



LEGISLATIVE BRANCH CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

CITY COUNCIL WORK SESSION AGENDA City Council Work Room, 38 Hawley Street, Binghamton Monday December 2, 2013

The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	-----	-----	Discussion: Socioeconomic Impact of Non-Profit Organizations in Broome County	-----	Deborah Fitzgerald
6:30pm	-----	-----	Discussion: Review RL 13-204, CDBG Funds Allocated to the Binghamton University Research Foundation for Mentoring Program	-----	Nicole Johnson, Mark Ward, Councilwoman Webb
6:45pm	Planning	Webb	RL 13-227: Naming New Street "Mayor John J. Burns Way"	63	Mayor Matthew T. Ryan
7:00pm	Finance	Webb	RL 13-219: Amending Department of Parks & Recreation 2013 Budget	18-20	Bill Barber
	Finance	Webb	RL 13-222: Approving Application & Acceptance of \$25,000 from NYS DEC Urban & Community Forestry Grant Program	26-27	
7:15pm	Finance	Webb	RL 13-220: Amending Water Department 2013 Budget	21	Joseph Yannuzzi
7:30pm	Planning	Webb	RL 13-221: Acquisition of Foreclosed Properties at Broome County Auction	22-25	Tarik Abdelazim
	Planning	Webb	RL 13-226: NYS Homes and Community Renewal 2013-2014 Home Improvement Grant	61-62	
7:45pm	Finance	Webb	RL 13-218: Agreement with First Ward Action Council for \$25,000 from CDBG FY 38 Program for Senior Housing Repair	17	Steve Quinn
8:00pm	Finance	Webb	RL 13-223: Accept \$48,000 in grant funds from the Hoyt Foundation	28-29	Melissa Enoch
8:15pm	Planning	Webb	RL 13-224: Amending Article XI of the Zoning Code, Sign Regulations	30-60	H. Peter L'Orange



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Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
8:30pm	PW/Parks	Motsavage	RL 13-217: Adopting Binghamton-Johnson City Joint Sewage Treatment Facilities Intermunicipal Agreement X (Master IMA)	1-16	Angela Holmes
8:45pm	-----	-----	Discussion: Review Permanent Ordinance 13-4, Sale of 45 Robinson Street to Daniel DePrato	66-67	Councilman Berg
9:15pm	Finance	Webb	RL 13-229: Amending 2013 City Hall Budget	64-65	Kyle Seeley
9:30pm	Finance	Webb	RL 13-230: Amending 2013 Fire Department budget to provide for one year salary of deceased firefighter	68-69	Ken Frank
9:45pm	-----	-----	Discussion: Review Committee Reports & Pending Legislation	-----	Council President Rennia

COMMITTEE REPORTS

Employees Committee: Berg (Chair), Webb, Papastrat

Potential amendments to residency requirements for City of Binghamton employees.

Municipal & Public Affairs Committee: Motsavage (Chair), Webb, Matzo

Potential amendments to the City of Binghamton's noise ordinance regulations.

Public Works/Parks & Recreation Committee: Motsavage (Chair), Berg, Mihalko

Review the Traffic Signal Removal Study.



Legislative Branch

RL Number:

13-217

Date Submitted:

11/25/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Angela Holmes

Title/Department: City Clerk

Contact Information: (607) 772-7005; clerk@cityofbinghamton.com

RL Information

Proposed Title: A Resolution approving the adoption of the Binghamton-Johnson City Joint

Sewage Treatment Facilities Intermunicipal Agreement X (Master IMA)

Suggested Content: See attached.

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ Planning ☐ MPA ☐ PW/Parks ☒ Employees ☐ Rules/Special Studies ☐

**A RESOLUTION APPROVING THE ADOPTION OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE
TREATMENT FACILITIES INTERMUNICIPAL AGREEMENT X (MASTER IMA)**

WHEREAS, on July 14, 1965, the City of Binghamton ("City") and the Village of Johnson City ("Village") entered into an Intermunicipal Agreement ("IMA") for joint ownership and operation of a sewage treatment plant and related facilities known as the Binghamton-Johnson City Joint Sewage Treatment Facilities ("JSTF"); and

WHEREAS, the City and Village have adopted subsequent Intermunicipal Agreements from time to time, amending the original agreement adopted on July 14, 1965; and

WHEREAS, IMA II was adopted on December 7, 1967; IMA III was adopted on April 28, 1968; IMA IV was adopted on March 5, 1973; IMA V was adopted December 1989; IMA VI was adopted October 17, 2001; IMA VII was adopted September 1, 2009; IMA VIII (also known as the Phase III Remedial Project IMA) was adopted June 26, 2012; and IMA IX was adopted on May 6, 2013; and

WHEREAS, the City and Village wish to adopt IMA X ("Master IMA"), organizing all existing language pertaining to the governance and administration of the JSTF into a single document.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into an agreement with the Village of Johnson City to adopt the Binghamton-Johnson City Joint Sewage Treatment Facilities Intermunicipal Agreement X, in the form attached hereto; and be it further

RESOLVED that except as amended herein, all previous agreements pertaining to the Binghamton-Johnson City Joint Sewage Treatment Facilities shall remain in full force and effect.

BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES INTERMUNICIPAL AGREEMENT

[HISTORY: IMA I adopted 7-14-1965; amended 12-7-1967 by IMA II; amended 4-24-1968 by IMA III; amended 3-5-1973 by IMA IV; amended 12-1989 by IMA V; amended 10-17-2001 by IMA VI; amended 9-1-2009 by IMA VII; amended 5-6-2013 by IMA IX; amended __-__-2013 by IMA X. Amendments noted where applicable.]

ARTICLE I. ESTABLISHMENT AND OPERATION OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES.

Section 1. Definitions. [Added __-__-2013 by IMA X]

BINGHAMTON TERMINAL PUMPING STATION—The pumping station on the Binghamton-Johnson City Joint Sewage Treatment Facilities site, serving the Binghamton Service Area

BOARD or SEWAGE BOARD—The Binghamton-Johnson City Joint Sewage Board

BUDGET or JOINT SEWAGE TREATMENT FACILITIES BUDGET—The annual appropriations for operating expenses and capital projects approved by the Owners for the Joint Sewage Treatment Facilities.

CITY—The City of Binghamton

FACILITIES – The Binghamton-Johnson City Joint Sewage Treatment Facilities

FISCAL OFFICER or BOARD FISCAL OFFICER—The Comptroller of the City of Binghamton

JOHNSON CITY TERMINAL PUMPING STATION—The terminal pumping station at the intersection of Gates Road and a private road in the Town of Vestal

MUNICIPALITY—This term shall include the City of Binghamton or the Village of Johnson City

OWNERS—The City of Binghamton and the Village of Johnson City

PHASE III PROJECT—The remediation, repair and reconstruction of the deficiencies and defects in the design and construction of the Phase III Improvements, collapse of the C-Cell wall, and damage caused by flooding at the Binghamton-Johnson City Joint Sewage Treatment Facilities.

PROJECT or JOINT SEWAGE PROJECT—The construction of the original Joint Sewage Treatment Facilities, as established by Intermunicipal Agreement I, adopted 7-14-1965 by the City of Binghamton and the Village of Johnson City.

SERVICE AREA—Areas other than Binghamton University, Town of Vestal, City of Binghamton and Village of Johnson City receiving sewage treatment service.

VILLAGE—The Village of Johnson City

Section 2. Establishment of Binghamton-Johnson City Joint Sewage Treatment Facilities & Binghamton-Johnson City Joint Sewage Board. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

Pursuant to Article 5G of the General Municipal Law, the City of Binghamton and the Village of Johnson City hereby establish a Joint Sewage Project. This Project shall be administered by a board hereby established to be known as Binghamton-Johnson City Joint Sewage Board. The Board shall operate a jointly-owned sewage treatment facility, known as the Binghamton-Johnson City Joint Sewage Treatment Facilities. The sewage treatment and pumping facilities presently located in the Town of Vestal, Broome County, New York, and owned by the City shall, upon the 13th day of August, 1965, or such other date as the parties may agree, become jointly owned by the City and the Village. The details of the transfer of ownership are more specifically set forth in Section 3. After the transfer of ownership of such facilities, certain capital improvements shall be made to such facilities and such capital improvements shall also be jointly owned. In addition, a terminal pumping station serving the Village shall be constructed in the Town of Vestal at a point in the trunk sewer line of the Village, and this station shall also be jointly owned. The details of the construction of such capital improvements shall be governed by Sections 5 and 7. The proportions in which the parties shall jointly own the facilities encompassed in the Project shall be as set forth in Section 4. The Project shall not include any trunk sewer lines except those on the sewage treatment facilities premises, nor shall it include the force main to be constructed by the Village from the proposed terminal pumping station to the sewage treatment facilities site.

Section 3. Joint Ownership of Binghamton-Johnson City Joint Sewage Treatment Facilities. [Added 7-14-1965 by IMA I; amended 4-24-1968 by IMA III; amended __-__-2013 by IMA X]

As of the 13th day of August, 1965, the sewage treatment and pumping facilities presently owned by the City, together with the land and all furnishings and equipment, shall be conveyed to the joint ownership of the City and the Village in

proportions as set forth in Section 4. The net worth of the facilities to be transferred as of such date is agreement to be \$2,784,146.00. As of such date the Village shall pay to the City the sum of Five Hundred Fifty Thousand Dollars (\$550,000). In addition, as further consideration for its ownership rights in the present facilities and the proposed improvements, the Village shall pay the cost of construction of the proposed improvements described in Section 5, including the cost for interest during construction. Should the capital cost for construction of the terminal pumping station and the primary treatment facilities constructed by the Village of Johnson City plus the extension of the Johnson City Interceptor Sewer and the Force Main from the Terminal Pumping Station to the treatment facilities site exceed the amount of \$2,244,600, then 21.92% of the difference shall be paid by the City to the Village. Should such capital cost be less than the amount of \$2,244,600, then 21.92% of the difference shall be paid by the Village to the City.

Section 4. Title of Property. [Added 7-14-1965 by IMA I; amended 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Title to all real property and improvements thereon, including existing sewage treatment and pumping facilities and proposed construction, as described in Section 5, shall vest in the parties hereto as tenants in common in the following proportions: the City of Binghamton, an undivided fifty-four and eight tenths per cent (54.8%) interest; the Village of Johnson City, an undivided forty-five and two tenths per cent (45.2%) interest.

The Village, however, shall continue to own the force main connecting the Johnson City Terminal Pumping Station (which pumping station is more specifically described in Section 9) with the sewage treatment facilities, and the sewer line or lines connecting the sewer system of the Village with such terminal pumping station. The City shall continue to own the interceptor sewer line or lines connecting the sewer system of the City of Binghamton with the sewage treatment facilities.

Section 5. Construction of Facilities. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

- A. As part of the Project, both municipalities shall construct the following facilities:
- i. Improvements to the existing sewage treatment facilities, to consist of settling basins and chlorine detention tanks; thickeners and sludge pumping station; grit chamber; and miscellaneous work; and
 - ii. Terminal pumping station to serve the Village.
- B. This construction is set forth in a report of Clinton Bogert Associates dated June 1964, and entitled "Joint Disposal of Sewage for the Village of Johnson City and the City of Binghamton". The Village shall be the responsible construction agent for such construction.

Section 6. Secondary Treatment Facilities. [Added 12-7-1967 by IMA II; amended 4-24-1968 by IMA III; amended __-__-2013 by IMA X]

- A. The City and the Village agree to construct, own, operate, and repair the secondary treatment facilities in accordance with Alternative B of the report of Clinton Bogert Associates entitled "Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967" and a supplementary letter dated March 9, 1967. The City and the Village agree to establish and maintain a schedule of charges to outside users for sewage treatment computed substantially as recommended by the report referenced above, or as subsequently modified by majority votes of the governing bodies of both municipalities. The City and the Village agree to establish and maintain a system of sewer rents for users within each municipality in order to collect the amounts which will be billed to each municipality by the Board under Section 27.

The Village, however, shall continue to own the force main connecting the Johnson City Terminal Pumping Station (which pumping station is more specifically described in Section 9) with the sewage treatment facilities, and the sewer line or lines connecting the sewer system of the Village with such terminal pumping station. The City shall continue to own the interceptor sewer line or lines connecting the sewer system of the City of Binghamton with the sewage treatment facilities.

- B. In the absence of any specific agreement to the contrary, prior to any advertising for competitive bids, the applicable plans and specifications prepared by Clinton Bogert Associates shall be approved by Binghamton City Council, the Board of Trustees of the Village of Johnson City, and other New York State agencies as may be required.

C. Bid proposals may be submitted to either the Secretary of the Binghamton Board of Contract and Supply or the Village Clerk of the Village.

D. No Joint Sewage Project contract shall be awarded and no contract shall be deemed to have been awarded without the approval of such award by the Binghamton Board of Contract and Supply and by the Board of Trustees of the Village of Johnson City.

E. The City and Village shall both be parties to any and all contracts for construction of the secondary treatment facilities.

F. No construction contractor's claim for payment and no payment shall be made to any construction contractor unless such claim and payment are approved in writing by the City, the Village and the Binghamton-Johnson City Joint Sewage Board.

G. To the extent practicable, payments to construction contractors shall be made by the Board from funds included in the Joint Sewage Treatment Facilities annual budget, or transferred to it by the City and the Village, in accordance with their respective prescribed shares.

Section 7. Village of Johnson City Force Main & Interceptor Sewer Extensions. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

The Village at its expense shall construct the following facilities: force main and any interceptor sewer extensions that are necessary to make its sewer system complete to the existing sewage treatment facilities site. This construction is set forth in a report of Clinton Bogert Associates dated June 1964, and entitled "Joint Disposal of Sewage for the Village of Johnson City and the City of Binghamton".

Section 8. Future Expansion of Binghamton-Johnson City Joint Sewage Treatment Facilities. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

During the term of this agreement, all sewage from each of the parties shall be pumped into the facilities of the Joint Sewage Project. The parties recognize that it may be advantageous to expand the facilities of the Joint Sewage Project beyond the maximum use contemplated by this agreement. In the event such expansion appears advantageous, to service a new community or to service additional capacity of one of the parties, such expansion shall require the agreement of both parties, and shall be based upon a report prepared by an engineer acceptable to both parties.

Section 9. Service Areas. [Added 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Two service areas shall be established, one known as the Binghamton Service Area and the other known as the Johnson City Service Area. Sewage treatment shall be provided to the Binghamton Service Area through sewer lines connected to the pumping station on the sewage facilities site, the "Binghamton Terminal Pumping Station". Sewage treatment shall be provided to the Johnson City Service Area through sewer lines connected to the terminal pumping station presently being construction at the intersection of Gates Road and a private road in the Town of Vestal, the "Johnson City Terminal Pumping Station". The boundaries of each service area and of the region to be served by the sewage treatment facilities shall be as shown on the map provided by Clinton Bogert Associates, entitled "Report on Secondary Treatment Facilities, Plate 2". Such map shall be filed with the Clerks of the City and Village. Neither the City nor the Village shall, without the approval of the other party, permit sewer lines to be connected to its terminal pumping station which carry sewage originating in the service area for which the other party has responsibility, or originating in any area outside the above-described service areas.

Section 10. Outside User Agreements. [Added 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Sewage treatment service may be provided to areas other than Binghamton University, Town of Vestal, City of Binghamton and Village of Johnson City if an agreement is duly authorized and executed. Such agreement shall be authorized and executed on behalf of the area to be served by the governing body of such municipality as has the power to tax the area benefited by the service or to impose sewer rents to raise funds to pay the obligations incurred by the agreement. Such agreement shall be authorized and executed on behalf of the parties to this agreement by such of the parties hereto as has responsibility for the "service area" in which the region to be served is located.

ARTICLE II. BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD REGULATIONS.

Section 11. Retention of Powers. [Added 7-14-1965 by IMA I; amended 5-6-2013 by IMA IX; amended __-__-2013 by IMA X]

The City and the Village shall retain the following powers:

- A. To acquire, lease or sell real estate.
- B. To accept gifts, grants and bequest.
- C. To apply for and receive state or federal aid, except that the Village shall have the right to apply for and receive state or federal aid in connection with the improvements described in Sections 5 and 7.
- D. To transfer funds in the Joint Sewage Treatment Facilities budget to pay for any unanticipated expenses, and all associated costs, including, but not limited to, legal, accounting, consulting, and expert fees and expenses; such transfer shall not require approval of the Board; the legislative bodies will establish new budget lines for such unanticipated expenses, and will determine the person to entity authorized to approve and audit such payments, which shall be subject to approval of the fiscal officer of the Joint Sewage Treatment Facilities. Notice of any proposed transfer(s) will be given to the Board Chairman, Superintendent, and Business Manager, or such similar positions as may be designated from time to time, by written notice via email at least fifteen (15) days prior to any legislative vote.
- E. Such other powers as are not specifically delegated to the Board.

Section 12. Board Composition and Duties. [Added 7-14-1965 by IMA I; amended 12-1989 by IMA V; amended 9-1-2009 by IMA VII; amended __-__-2013 by IMA X]

- A. The Board shall operate and maintain the facilities of the Joint Sewage Project. The Board shall consist of six members, three appointed by the Mayor of the City of Binghamton, and three appointed by the Mayor of the Village of Johnson City. The residency requirements for Board members shall be expanded to permit residency in Broome County. Each Board member shall be appointed for three years. A Board member may be reappointed without term limits. Vacancies in the office of member of the Board shall be filled by appointment by the mayor of the appointing municipality, and at all times except during the period of such vacancies there shall be three members of the Board serving by the appointment of each of the municipalities through its mayor. The appointing Mayor, a member of the legislative body of the appointing Mayor, or any Board member from the same municipality may recommend removal of a Board member appointed by such Owner. A Board member shall be removed if such removal is approved by the appointing Mayor and a majority of the legislative body of the appointing Mayor.
- B. All Board members are required to comply with Article 18 of the General Municipal Law.
- C. Members of the Board shall serve with compensation as approved and determined by the City Council of the City of Binghamton and the Board of Trustees of the Village of Johnson City as part of the Joint Sewage Treatment Facilities annual budget, and that ordinary and necessary expenses incurred in the performance of their duties shall be proper expenses and may be reimbursed by the Board.
- D. The Board shall elect one of its members as Chairman. The Board shall appoint such employees as it determines are necessary to adequately operate and maintain the facilities of the Joint Sewage Project, and shall establish their salaries. All monies received or collected by the Board or its employees shall be paid over to the fiscal officer within ten days after they are received. Such monies shall be credited to the Board, and paid out only upon the order of the Board. The Board shall be charged with the following duties:
 - i. To fix and collect the annual costs as provided in Sections 22 and 24.
 - ii. To keep all necessary records, including records of receipts and disbursements and records of its proceedings. For this purpose the Board shall retain a secretary who shall not be a member of the Board.

- iii. To make necessary purchases and execute necessary contracts.
- iv. To take possession of and retain in its custody the real and personal property comprising the Joint Sewage Project, and to keep the same in good order and repair.
- v. To make and publish rules and regulations for the operation, preservation, protection and care of the property and facilities of the Joint Sewage Project.
- vi. To reject any discharges of sewage or industrial wastes which, in its opinion, would have deleterious effect upon the facilities of the Joint Sewage Project or the operation of such facilities. However, nothing in this agreement shall limit the rights of the parties to restrict the discharge of sewage or wastes into their respective sewer systems.
- vii. To provide copies of minutes from all official proceedings to the City of Binghamton and the Village of Johnson City at least on an annual basis.
- viii. To maintain general liability, fire and casualty insurance, naming the City and the Village as additional insured. The limits of coverage shall be at least as follows:

General liability (personal injury): \$1,000,000/\$3,000,000
 Automobile liability (personal injury): \$500,000/\$1,000,000
 Automobile liability (property damage): \$25,000
 Hazard insurance (on facilities when improvements are complete): Replacement Value

- ix. To retain consulting engineers, but the contract of retainer shall first be approved by each party by at least a majority vote of the voting strength of its governing body.
- x. To appoint and dismiss employees within its jurisdiction.
- xi. To exercise such other powers and duties as may be delegated and assigned by the concurrent action of the parties. A minimum of four affirmative votes shall be required to decide any questions considered by the Board.

Section 13. Establishing City of Binghamton Comptroller as Board Fiscal Officer. [Added 7-14-1965 by IMA I; amended 5-6-2013 by IMA IX; amended __-__-2013 by IMA X]

The Comptroller of the City shall be the fiscal officer of the Board. In addition to his official bond as such Comptroller, he shall file, during his term of office as fiscal officer, a bond in favor of both parties in such penal sum as may be determined by the Owners, conditioned upon his faithful performance of the trust imposed upon him. He shall at all times be deemed an employee of the City. The cost of same shall be paid from the Joint Sewage Treatment Facilities budget.

The fiscal officer shall deposit all monies received by him on account of the Board in a special account in a bank or trust company in the City of Binghamton designated as an official depository by the Board. Claims against the Board shall be in such form as the fiscal officer shall prescribe and shall be approved by the Board, or its designee(s) as set forth by the Board in writing. No such approved claim shall be paid unless it shall have been presented to the fiscal officer and shall have been audited by the fiscal officer in accordance with Section 119-O of the General Municipal Law.

The fiscal officer of the Joint Sewage Treatment Facilities is authorized to hold any claim for payment or expense approved by the Board or the Lead Agency which the fiscal officer believes does not comply with proper accounting practices or has not been properly approved and to submit such claim or expense for approval by a majority of the members of both legislative bodies. The fiscal officer shall give the Board Chairman, Superintendent, and Business Manager, or such similar positions as may be designated from time to time, written notice via email at least fifteen (15) days prior to submitting the disputed claim to the legislative bodies. The fiscal officer's failure to refer any claim for payment or expense approved by the Board or Lead Agency to the legislative bodies shall not be deemed negligent.

Section 14. Employees of the Board. [Added 7-14-1965 by IMA I; amended 9-1-2009 by IMA VII; amended __-__-2013 by IMA X]

Employees of the Board shall be designated as employees of the Board and not as employees of the City or of the Village. All persons employed at the Binghamton sewage disposal facilities at the effective date of this agreement shall continue such employment and become employees of the Board; they shall retain the same salaries or wages, fringe benefits and employment rights as they possess on the effective date of this agreement. The residency requirements for

employees of the Joint Sewage Treatment Facilities shall be expanded to permit residency in the counties of Tioga, Tompkins, Cortland, Chenango, Otsego, Delaware, New York and Susquehanna, Pennsylvania.

The Binghamton Civil Service Commission shall be the administrative body for the enforcement of the Civil Service Law of the State of New York and the rules of the Civil Service of the City of Binghamton, which shall apply to the employees of the Board.

Section 15. Retention of Consulting Engineer for Original Project. [Added 7-14-1965 by IMA I; eliminated __-__-2013 by IMA X]

Reserved.

Section 16. Clerk of the Works. [Added 9-1-2009 by IMA VII; amended __-__-2013 by IMA X]

The Owner shall have authority to jointly develop a procedure to oversee any project or portion of a project at the Joint Sewage Treatment Facilities, including, but not limited to, appoint a "Clerk of the Works". A Clerk of the Works shall be appointed to ensure independent oversight of the project, that the project is completed in a cost-effective, safe manner and consistent with good practice. The Board shall have supervisory authority over the project; however, the Owners shall have the sole authority to appoint and terminate the Clerk of the works and the Owners shall have access to all reports prepared by the Clerk of the Works. The Owners will not delegate to the Board decisions regarding Change Orders that affect the cost of the project. The cost of a Clerk of the Works will be borne by the Board.

Section 17. Awarding Contracts. [Added 4-24-1968 by IMA III; amended 9-1-2009 by IMA VII; amended __-__-2013 by IMA X]

Any and all City, Village and/or Board contracts for public works and purchase contracts shall be awarded in compliance with the provisions of the General Municipal Law Article 5-A. However, nothing in this section shall prevent the Joint Sewage Board from adopting procurement policies more stringent than those set forth in the General Municipal Law.

ARTICLE III. FINANCIAL REGULATIONS.

Section 18. Capital Costs of Construction for Original Joint Sewage Treatment Facilities. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

A. Capital costs for the construction described in Section 5 shall be paid by the parties in the following proportions: the City of Binghamton, fifty-four and eight tenths per cent (54.8%); the Village of Johnson City, forty-five and two tenths per cent (45.2%). Capital costs shall include the following:

- i. Net worth of existing sewage treatment and pumping facilities as of January 1, 1965.
- ii. Cost of construction of facilities described in Section 5.
- iii. Cost of equipment and furnishings in connection with such construction.
- iv. Cost of professional engineering fees in connection with such construction.
- v. Cost of preliminary planning fees in connection with the Project, including the sum of \$5,000 paid by the Village to Clinton Bogert Associates prior to the execution of this agreement.
- vi. Such other expenses as are ordinarily connected with the construction of the facilities described in Section 5.

B. Capital costs shall not include the internal sewer systems of the parties or any part thereof other than those parts specifically named above.

Section 19. Cost of Secondary Treatment Facilities. [Added 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

The City agrees to provide 54.8% of the cost of such secondary treatment facilities. The Village agrees to provide 45.2% of the cost of such facilities. Each shall pay such percentage of the construction and incidental costs as they become due and payable. The estimated cost of the original construction prior to deduction of amounts expected to be received as state or federal aid is Six Million Five Hundred Thousand Dollars (\$6,500,000.00). Long-term financing shall be by issuance of several (separate) serial bonds having forty-year maturities. Such bonds shall be in the amount of the total cost less state or federal aid received, with 54.8% of such total issued by the City and 45.2% of such total issued by the Village. Total amortizations of both bond issues shall be scheduled so that the greater portion of the amortization is paid in the latter years, in a manner similar to the manner in which amortization is scheduled in the report of Clinton Bogert

Associates entitled "Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967" and a supplementary letter dated March 9, 1967 (such schedule, however, having been calculated for a thirty-year joint serial bond issue).

Section 20. Village to Issue Bonds. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

The Village shall issue bonds to finance the payment to the City and the cost of construction of the original proposed improvements to the Joint Sewage Treatment Facilities, as such payment and cost are more particularly described in Section 3. Such bonds shall be obligations of the Village only, and the City shall have no obligations whatsoever in connection with such bonds.

Section 21. Referendum for Approval of Agreement or Bond. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

In the event that it is necessary for the Village to conduct a referendum for the approval of this agreement or of a bond issue to finance payments to be made for the original construction of the Joint Sewage Treatment Facilities, the Village will conduct such referendum within the shortest period permitted by law, insofar as practicable.

Section 22. Cost of Future Capital Improvements. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

The cost of capital improvements, other than those listed in Section 18, and not to include repair or replacement of existing facilities, shall be paid by the parties in such proportions as may be determined by a consulting engineer retained to establish proper proportions of contribution based upon prospective use of such capital improvements as of the date of determination of such proportions. In establishing such proportions, the consulting engineering shall follow the same principles, as far as practicable, as were followed by Clinton Bogert Associates in establishing the proportions of contribution of initial capital cost in the report dated June 1964, and entitled "Joint Disposal of Sewage for the Village of Johnson City and the City of Binghamton" and supplemental reports dated July 22, 1964 and September 29, 1964. However, the Board shall have the right to include in its budget such costs of capital improvements as it may determine, apportioned as it may determine, provided such apportionment, at the time the parties approve the budget, is accepted by each municipality by a majority vote of the voting strength of its governing body.

Section 23. Joint Sewage Board Fiscal Year & Budget. [Added 7-14-1965 by IMA I; amended 9-1-2009 by IMA VII; amended 5-6-2013 by IMA IX; amended __-__-2013 by IMA X]

A. The fiscal year of the Board shall be January 1 to December 31. The Board shall present its proposed budget to the Owners on or before August 14 of each year. The combined legislators (seven from the City and five from the Village) shall hold a joint public meeting to review the proposed budget on or before September 10. The combined legislators shall vote to approve or amend the budget, at a joint or separate meeting, on or before September 24.

B. The Owners shall adopt those portions of the budget pertaining to non-capital items unless a total of 75% of the combined legislators vote to reject or amend such non-capital lines, i.e., if 9 of the 12 combined legislators vote to reject or amend such non-capital lines.

C. The Owners shall adopt those portions of the budget pertaining to "capital items" unless a total of 50% of the combined legislators vote to reject or amend such capital lines, i.e., if 6 out of 12 combined legislators vote to reject or amend such capital lines. A "capital item" shall mean any purchase or project for construction which (a) adds or improves the physical facilities, (b) has an expected use of more than three years, and (c) has a cost in excess of \$10,000.00.

D. Notwithstanding any agreement to the contrary, nothing shall prevent the Board from presenting a budget which includes a budget line (or lines) for specific capital projects that will not occur during the year for which the budget is to be implemented. The request shall include the estimated cost of each specific capital project, how each project will be funded, and the anticipated start and completion dates of the project. Once established, these capital budget lines may not be used for any other purpose, without consent of a majority of each legislative body.

E. If any portion of the budget is rejected or amended by the Owners as provided above, then the budget shall be adopted as approved by the combined legislators.

- F. Notwithstanding any agreement to the contrary, the Owners shall have sole authority to bond for a project.
- G. The Board may be permitted to make budget transfers during the year or within 30 days thereafter so long as such transfers do not increase the Joint Sewage Project budgeted expenses for the year under the following conditions:
- i. The Board will give the City Clerk and Village Clerk written notice via email of any proposed budget transfer approved by the Board. The written notice will state if the proposed budget transfer is (i) for a non-capital item up to \$2,500, (ii) a non-capital item of more than \$2,500 or cumulative transfers of \$20,000 or more in the calendar year; or (iii) a capital item. The notice will include a copy of the Board's minutes or resolution approving the proposed budget transfer and a RL (request for legislation). The Board will copy said email to the (i) Mayor, President of City Council, Corporation Counsel, and Comptroller of the City and (ii) Mayor, Trustees, Attorney, and Treasurer of the Village.
 - ii. Non-capital items. The Board may transfer up to \$2,500 from one budget line to another budget line without legislative approval, except all transfers to increase salary or benefits for any personnel shall require legislative approval. The Board may transfer more than \$2,500 from the contingency budget line to another or various other budget lines, except all transfers to increase salary or benefits for any personnel shall require legislative approval. Any transfer of more than \$2,500 from any budget line or cumulative transfers of \$20,000 or more in the calendar year shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL (request for legislation) from the Board as required in Section 23.G(i) above.
 - iii. Capital items. Any request for a budget transfer shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL (request for legislation) from the Board as required in Section 23.G(i) above. This provision shall apply to all capital budget lines, whether established before or after this Agreement.
 - iv. No new budget lines will be established without approval of a majority of the members of both legislative bodies.
 - v. Any legislative vote required above may be made at a separate or a joint meeting of the legislative bodies.

Section 24. Budget Assessments to be Delivered in Quarterly Installments. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

Budget assessments shall be paid to the Board by the City and the Village in a series of four (4) equal installments payable on or before the first day of each quarter of the fiscal year of the Board. The fiscal officer of the Board shall compute the total amount of the budget, based upon the proportion of assessments as determined under the provisions of Section 22; shall compute the amount of each quarterly installment to be paid by each of the parties; and shall file his warrant with the clerk of each party on or before December 1st of the year preceding the fiscal year of the Board. Such warrant shall indicate the total assessment to be paid by the party, and the amount of each of the four quarterly installments.

Section 25. Operating Costs. [Added 7-14-1965 by IMA I; eliminated 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Reserved.

Section 26. Calculations of Maximum Use of Binghamton-Johnson City Joint Sewage Treatment Facilities Capacity. [Added 7-14-1965 by IMA I; eliminated 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Reserved.

Section 27. Debt Service Calculations. [Added 12-7-1967 by IMA II; amended 4-24-1968 by IMA III; amended 3-5-1973 by IMA IV; amended __-__-2013 by IMA X]

On and after the date that the Johnson City Terminal Pumping Station is placed in actual service, charges for sewage services shall be determined by the Board according to the following formulae:

- A. Debt service charges for primary treatment facilities shall be charged according to the formula:

$$B + JC = C_1Q_1 + 1.25 C_1Q_2$$

Where:

B = Binghamton debt service—primary facilities

JC = Johnson City debt service—primary facilities

Q_1 = Total annual dry-weather sewage flow from City of Binghamton, Village of Johnson City, Town of Vestal and Binghamton University

Q_2 = Total annual dry-weather sewage flow from other municipalities

C_1 = Primary debt service charge per unit of dry-weather sewage flow from Town of Vestal and Binghamton University

$1.25 C_1$ = Primary debt service charge per unit of dry-weather sewage flow from all other outside communities

Dry-weather flow = The flow of sewage or industrial wastes in the sewer during dry weather; it shall normally be measured as the amount of water supplied to users discharging sewage to the Binghamton-Johnson City Joint Sewage Project; provided however, that in the case of users who discharge into the sewage system an amount of sewage substantially less than or substantially more than the amount of water supplied to them, the amount of sewage discharged into the sewer system shall be determined by sewer meters, gages or other suitable measuring devices or methods acceptable to the Board and installed by such users at the users' expense and at no cost or expense to the Board, the City or the Village.

B. Debt service charges for secondary treatment facilities shall be charged in the same manner as debt service charges for primary treatment facilities.

C. Debt service for sewer construction shall be charged to users in the Johnson City Service Area according to the following formula:

$$D_1 = C_2Q_3 + 1.25 C_2Q_4$$

Where:

D_1 = Debt service for construction of the extension of the Johnson City Trunk Sewer and the force main from the Johnson City Terminal Pumping Station to the sewage treatment facilities

Q_3 = Total annual dry-weather flow from Village of Johnson City and Town of Vestal drainage area V-2 as shown in the report of Clinton Bogert Associates entitled "Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967" and a supplementary letter dated March 9, 1967.

Q_4 = Total annual dry-weather sewage flow from Town of Maine, Union and Chenango and from Town of Dickinson drainage area JC-1 as shown in the report of Clinton Bogert Associates entitled "Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967" and a supplementary letter dated March 9, 1967.

C_2 = Charge per unit of dry-weather sewage flow from Town of Vestal drainage area V-2 as shown in the report of Clinton Bogert Associates entitled "Binghamton-Johnson City Joint Sewage Project: Report on

Secondary Treatment Facilities: January 16, 1967” and a supplementary letter dated March 9, 1967, and from Johnson City.

1.25 C₂= Charge per unit of annual dry-weather flow from Towns of Maine, Union and Chenango and Town of Dickinson drainage area JC-1 as shown in the report of Clinton Bogert Associates entitled “Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967” and a supplementary letter dated March 9, 1967.

Dry-weather flow = Same definition as set forth in Section 27.A.

D. Debt service charges for sewer construction shall be charged to users of the Binghamton Service Area according to the following formula:

$$D_2 = C_3Q_5 + 1.25 C_3Q_6$$

Where:

D₂ = Debt service for construction of the existing City of Binghamton Interceptor Sewers

Q₅ = Total annual dry weather flow from City of Binghamton and Town of Vestal drainage Area V-1 as shown in the report of Clinton Bogert Associates entitled “Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967” and a supplementary letter dated March 9, 1967.

Q₆ = Total annual dry weather flow from the Towns of Binghamton, Kirkwood, Conklin and Town of Dickinson Drainage Area D as shown in the report of Clinton Bogert Associates entitled “Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967” and a supplementary letter dated March 9, 1967.

C₃ = Charge per unit of dry-weather sewage flow from Town of Vestal Drainage Area V-1 as shown in the report of Clinton Bogert Associates entitled “Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967” and a supplementary letter dated March 9, 1967, and the City of Binghamton

1.25 C₃ = Charge per unit of annual dry weather sewage flow from the Towns of Binghamton, Kirkwood, Conklin and Town of Dickinson Drainage Area D as shown in the report of Clinton Bogert Associates entitled “Binghamton-Johnson City Joint Sewage Project: Report on Secondary Treatment Facilities: January 16, 1967” and a supplementary letter dated March 9, 1967.

Dry-weather flow = Same definition as set forth in Section 27.A.

E. Debt service for construction of future interceptor sewer lines or reconstruction of existing interceptor sewer lines by the City of Binghamton or the Village of Johnson City shall be charged to the respective Service Areas by formulae similar to those set forth in subparagraphs C and D above. Interceptor sewer lines, as used in this subparagraph, shall refer only to a sewer, including appurtenances and pumping stations, which receives or will receive sewage flow, directly or indirectly, from a number of other sewers and from more than one municipality; as used herein the term municipality shall include the City or the Village.

F. Operating and maintenance costs shall be charged to the various users of the facilities, based upon their annual dry-weather sewage flow, as such flow is determined by the Board. Cost of operation and maintenance of the sewage treatment facilities shall be distributed in this manner to all users. Cost of operation and maintenance of the Binghamton Terminal Pumping Station and the Binghamton Sewage System shall be distributed among users in the Binghamton Service Area, including the City of Binghamton. Cost of operation and maintenance of the Johnson City Terminal Pumping Station and the Johnson City Sewer System shall be distributed among users in the Johnson City

Service area, including the Village of Johnson City. Charges to the Town of Union in the Johnson City Service Area shall include 125% of that portion of debt service for the cost of construction of the North Side Trunk Storm Drainage Elimination Project (1964-1966) as the Village of Johnson City and the Town of Union shall agree upon.

G. It is recognized that a prior agreement exists between the City and the Town of Kirkwood whereby the City is obligated to accept sewage flows not exceeding in total gallonage for any one day a flow of one million gallons from Sewer District No. 1 of the Town of Kirkwood. That agreement extends through the year 1994 and provides that charges for sewer service are based upon 125% of the equivalent city tax levy. Because of the large industrial waste flow originating in Kirkwood Sewer District No. 1, charges to that district, on the basis of the existing Binghamton-Kirkwood agreement, are estimated to result in a smaller sum than charges based upon the formulae set forth in the preceding subparagraphs. The difference, if any, in revenue between that obtained under the existing Binghamton-Kirkwood agreement or any agreement modifying or amending same, and that computed according to the formulae set forth in the preceding subparagraphs, shall be distributed among users in the following manner:

- i. For all users except Kirkwood Sewer District No. 1, on the basis of annual dry-weather flow;
- ii. Only in case of a loss of revenue, for Kirkwood Sewer District No. 1, on the basis of 125% of the equivalent city tax levy.

Neither party hereto shall agree to an extension of Kirkwood Sewer District No. 1, nor to the provision of sewage treatment service to any area in the Town of Kirkwood not presently within the boundaries of Kirkwood Sewer District No. 1, nor to modification or amendment of the existing Binghamton-Kirkwood agreement without the approval of the other party hereto. Any sewage flows which exceed the amount of flow the City is obligated to accept under the existing agreement between the City and the Town of Kirkwood or according to the formulae in Section 27, whichever results in a higher charge. The Board shall determine annually which method will result in a higher charge, and shall use whichever method results in a higher charge for that particular year.

H. Charges shall be billed by the Board to all users, including the City and the Village, and all payments shall be made to the Board. The Board shall pay to the City the amount of debt service collected from outside users and required to be paid by the City on the following obligations:

- i. Obligations authorized and issued by the City pursuant to the provisions of a 1952 ordinance (Permanent No. 86) adopted May 19, 1952.
- ii. Obligations authorized and issued by the City pursuant to the provisions of a 1958 ordinance (Permanent No. 56) adopted April 21, 1958.
- iii. Obligations authorized and to be issued by the City pursuant to the provisions of a 1967 ordinance (Permanent No. 248) adopted November 6, 1967, or as the same may hereafter be amended or modified.
- iv. Various capital notes issued by the City in connection with interceptor sewer line construction.

The Board shall pay to the Village the amount of debt service collected from outside users and required to be paid by the Village on the following obligations:

- i. Serial bonds authorized in the amount of \$3,000,000.00 on June 10, 1965, as such authorization may be subsequently amended or superseded, and bond anticipation notes issued in anticipation of such serial bonds.
- ii. Serial bonds authorized November 6, 1967 in the amount of \$2,938,000.00, as such authorization may be subsequently amended or superseded, and bond anticipation notes issued in anticipation of such serial bonds.

The City may collect and retain from the proceeds of sewer rents imposed on and collected from City users the amount of debt service required to be paid by the City on the aforementioned City obligations.

The Village may collect and retain from the proceeds of sewer rents imposed on and collected from Village users the amount debt service required to be paid by the Village on the aforementioned Village obligations.

The Board shall pay to the City the amounts collected for the operation and maintenance of the Binghamton Sewer System. The Board shall pay to the Village the amounts collected for the operation and maintenance of the Johnson City Sewer System. The Board shall pay to the Village the amounts, if any, collected from Town of Union users for debt

service for the cost of construction of the North Side Trunk Storm Drainage Elimination Project (1964-1966). The Board shall pay to the City or to the Village, respectively, any amounts collected on their behalf for debt service for construction or reconstruction of interceptor sewer lines in accordance with subdivision E of this Section.

The Board shall pay to the City that proportion of the debt service collected by the Board (from users other than the City and the Village) for primary treatment facilities, which the difference between 54.8% of total facility use and the **actual** amount of the City's use, bear to the total facility use by others than the City and the Village.

The Board shall pay to the Village that proportion of the debt service collected by the Board (from users other than the City and the Village) for primary treatment facilities, which the difference between 45.2% of total facility use and the actual amount of the Village's use, bears to the total facility use by other than the City and the Village.

Should either of the differences, obtained as described above, prove a negative value, the entire amount of the primary debt service collected from outside users shall be paid to the other municipality.

The Board shall retain the remainder of funds collected and expend them for the operation and maintenance of the sewage treatment facilities and terminal pumping stations.

I. Surcharge for wastes with strength in excess of the normal standards of 300 parts per million Suspended Solids and 240 parts per million of BOD. Surcharge shall be based on average unit cost per pound chargeable to BOD and Suspended Solids. Unit costs shall be determined by dividing Annual Debt Service Costs and Annual Operations and Maintenance Costs attributable to BOD or Suspended Solids by the respective annual facilities load. Costs attributable to BOD and Suspended Solids shall be based on the following allocation of cost:

- i. Debt Service
Flow: 50%
Suspended Solids: 11%
BOD: 39%
- ii. Treatment Facility Operation and Maintenance Costs
Flow: 20%
Suspended Solids: 24%
BOD: 56%

Average unit cost as defined above shall be applied in accordance with the following surcharge formula:

$$\text{Daily Surcharge} = 8.33Q_i [C_{\text{BOD}} (\text{BOD}_i - 240) + C_{\text{SS}} (\text{SS}_i - 300)]$$

Where:

Q_i = Flow from surcharged user in million gallons per day

BOD_i = Raw waste BOD in surcharged user discharge in parts per million

SS_i = Raw waste Suspended Solids in surcharged user discharge in parts per million

C_{BOD} = Average unit cost attributable to BOD in dollars per pound

C_{SS} = Average unit cost attributable to Suspended Solids in dollars per pound

The Board shall, with the approval of the municipal user, be empowered to perform all tests necessary to establish the effluent characteristics of facilities located within the geographical boundaries of the municipal user for the purpose of determining whether a surcharge should be imposed on said facilities.

Should a facility default in payment of any surcharge imposed by the Board for more than thirty (30) days after such surcharge imposed by the Board for more than thirty (30) days after such surcharge is due and payable, then and in such event the Board shall have the right to refuse to accept further sewage for treatment from said facility until such surcharge is paid by said facility.

Section 28. Federal or State Aid. [Added 4-24-1968 by IMA III; amended __-__-2013 by IMA X]

Any and all claims or applications for federal or state aid, Federal Water Pollution Control Administration grants, and/or State of New York grants for construction of sewage treatment works shall be signed and executed by the City and the Village.

The payments received from the State of New York and/or the United States of America together with any and all revenues associated with the capital construction and received from any sources shall be ultimately paid to the City and the Village in the proportion of 54.8% to the City and 45.2% to the Village. In the event that such payments and/or revenues are initially received by the City or the Village or the Board or any of their agents, such payments and/or revenues shall be distributed to the City or the Village, as the case may be, so that ultimately the City shall receive 54.8% thereof and the Village 45.2% thereof.

After such payments and revenue are ultimately received by and/or distributed to the City and the Village, they, together with any interest, shall be used by the recipients to pay capital costs, including payment of obligations issued with respect to such capital costs or issued in anticipation of the receipt of such payments or revenues.

No part of such payments or revenues shall be used by the City, Village or the Board for any purpose other than the Joint Sewage Project. No part of such payments or revenues shall be invested in obligations of the City or Village, or transferred to or loaned to any City or Village account or fund or project other than the Joint Sewage Project. Any such payments or revenues not immediately needed shall, where practicable, be otherwise invested in accordance with applicable provisions of law.

Section 29. Grant Funding. [Added 9-1-2009 by IMA VII; amended __-__-2013 by IMA X]

The Board and the Owner shall have authority to pursue grant funding. A copy of any grant application and award letter will be provided to the owners and/or the Board, as the case may be. All copies to the Owners will be provided to the City Clerk and the Village Clerk.

ARTICLE IV. TERMS AND CONDITIONS.

Section 30. Term of Agreement. [Added 7-14-1965 by IMA I; ; amended 12-7-1967 by IMA II; amended 4-24-1968 by IMA III; amended 10-17-2001 by IMA VI; amended 9-1-2009 by IMA VII; amended __-__-2013 by IMA X]

The term limit of the Intermunicipal Agreement shall be up to thirty (30) years, or for the life of bonds issued, whichever is longer. Every five (5) years from the date of this agreement, the legislative body of each Owner shall appoint two members and the Mayor of each Owner shall appoint one member to a Joint Sewage Task Force for the purpose of reviewing the terms of the Intermunicipal Agreement. However, nothing herein shall preclude the Owners from reviewing or amending the Intermunicipal Agreement at any other time.

Section 31. Modifications. [Added 7-14-1965 by IMA I; amended 12-7-1967 by IMA II; amended 4-24-1968 by IMA III; amended __-__-2013 by IMA X]

This agreement may be modified or amended by an instrument in writing, duly executed and acknowledge by the authorized representatives of the City and the Village, after approval by a three-fourths vote of the voting strength of the governing body of each party.

Section 32. Execution of Agreement. [Added 7-14-1965 by IMA I; amended __-__-2013 by IMA X]

This agreement shall be executed by the mayor of each party, and the seal of each party shall be affixed and attested by the clerk of each party, after adopted of the agreement by a three-fourths vote of the voting strength of the governing bodies of the City and the Village.

Section 33. Votes Required for Approval. [Added 7-14-1965 by IMA I; amended 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Unless otherwise provided herein, whenever the agreement of both parties is required herein, such agreement shall be constructed to mean at least a three-fourths affirmative vote of the voting strength of the governing bodies of the City and the Village.

Unless otherwise agreed upon, neither of the parties hereto shall enter into an agreement, or modify or amend an existing or future agreement relative to sewage treatment or an agreement set forth in Section 37 hereof, without the approval of the other party hereto.

Section 34. Rights or Favors. [Added 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

Nothing in this agreement is intended to create any rights for or in favor of any persons not parties to this agreement.

Section 35. Assignment of Agreement. [Added 12-7-1967 by IMA II; amended 4-24-1968 by IMA III; amended __-__-2013 by IMA X]

This Agreement shall not be assigned by either party without the prior written approval of the other party.

Section 36. Litigation. [Added 9-1-2009 by IMA VII; amended 5-6-2013 by IMA IX; amended __-__-2013 by IMA X]

In the event a project requires prosecution of a warranty claim or litigation, the Owners shall have the authority to jointly develop a plan to adequately protect the interests of the joint sewage facilities, the Board, and the Owners. The costs of such plan shall be paid from the Joint Sewage Treatment Facilities budget.

The Board shall not have any authority to bring any action or proceeding against an Owner, except for the collection of approved expenses under the budget or related to an Owner's use of the joint sewage facilities as a user. Any other alleged violations of the Intermunicipal Agreement must be commenced by the other Owner.

The Board shall not commence any action against any person employed by either Owner without consent of the Owners evidenced by a majority of the members of both legislative bodies.

ARTICLE V. EXHIBITS

Section 37. Exhibits. [Added 7-14-1965 by IMA I; amended 12-7-1967 by IMA II; amended __-__-2013 by IMA X]

In addition to the amendments that have been made to this agreement from time to time, the Owners have also agreed upon certain exhibits or other agreements which supplement this agreement. Such supplements are maintained by the Clerks of the City and Village.



Legislative Branch

RL Number:

13-218

Date Submitted:

11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Steve Quinn

Title/Department: Housing Program Supervisor

Contact Information: 772-7240 srquinn@cityofbinghamton.com

RL Information

Proposed Title: Senior Housing Repair Program

Request Council to enter into an agreement with First Ward Action Council in the amount of \$25,000.00 from FY 39 Community Development Block Grant funding for FWAC Senior Housing Repair Program.

Suggested Content: The Senior Housing Repair Program (SHRP) is a city wide repair program which began in 1985, performing minor repairs for seniors who own their own homes. Although listed as city wide program, the CDBG program will give priority to Seniors living in Census Tracts 5 and 9.

Funds shall be deducted from budget line CD8668.54000.CDY39-CONTRACTUAL

Additional Information

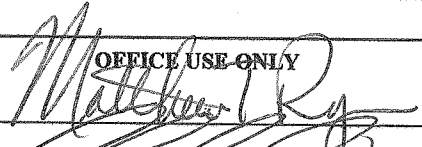


Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:

13-219

Date Submitted:

11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Bill Barber

Title/Department: Director of Parks & Recreation

Contact Information: 607-772-7017

RL Information

Proposed Title: An ordinance amending the 2013 Parks & Recreation Department budget

Suggested Content: See Attached

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY	
Mayor:	<u>Matthew T. Ryan</u>
Comptroller:	<u>Gerald Kern</u> 11/26/13
Corporation Counsel:	<u>BBS</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.
Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 11/26/13

I respectfully request the below described transfer of funds due to the following reasons:

Pay for the Fire system at First Ward Senior Center

See attached for remainder of transfer of money.

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A7020.54731 (Band Concerts) ✓ A7180.51800 (TEMP. SERVICES)	A7110.51900 (Parks OT) ✗	\$1500.00
A7620.51000 (Personal Services) ✗	A7110.51900 (Parks OT) ✗	\$1000.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Bill Borcher

Date: 11.26.2013

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: Gerald Kuntz

Date: 11/26/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, Appropriations. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds APPROVED ☐ / DENIED ☐ on _____. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____

Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A7620.51800 (Temp. Serv.)	A7620.54610 (Build./Equip/Repair & Maint.)	\$8,000.00
A7140.51800 (Temp. Serv.)	A7620.54610 (Build./Equip/Repair & Maint.)	\$4250.00
A7180.51800 (Temp. Serv.)	A7620.54610 (Build./Equip/Repair & Maint.)	\$4250.00



Legislative Branch

RL Number:

13-220

Date Submitted:

11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Joseph Yannuzzi

Title/Department: Water/Sewer Superintendent

Contact Information: (607) 772-7221

RL Information

Proposed Title: An Ordinance amending the 2013 Water Department revenue and appropriation

Suggested Content: Increase revenue budget line FX.42142A (Unmetered Water Sales, Capital Charge) and expense budget line FX8330.54665 (JSTP IPP) by \$140,000 each, due to unanticipated revenue.

Additional Information

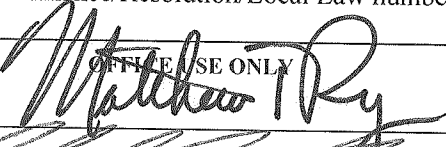


Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:

13-221

Date Submitted:

11/28/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: T Abdelazim & T Costello

Title/Department:

Contact Information:

RL Information

Proposed Title:

Ordinance to Acquire Foreclosed, Blighted Properties on Chenango Street to Support Revitalization of North Side Small Business Corridor.

Suggested Content: Est. budget line "Aquisition of Foreclosure Properties" Increase Revenue Line

A42410 (Rental of Real Property) by \$13,000. Increase revenue line A42189 (other Home and Comm

Services by 13,500) Fund "Aquisition of Foreclosed Properties" at \$26,500 2013 budget.

Comptroller's Office will cut check to BC Real Property as soon as legislation is certified.

Additional Information



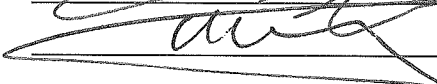
Does this RL concern grant funding? Yes ☐ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

NORTH CHENANGO BOA - KEY COMMERCIAL SITES



#1 #2 #3

435 STATE	Commercial	ACQUIRE	Stanton M Drazen	VACANT	YES	FORECLOSED - IN COURT
419 CHENANGO	Commercial	ACQUIRE	Edward J Howard	VACANT	YES	HOWARD ESTATE - ENVIRONMENTAL
421 CHENANGO	Vacant	ACQUIRE	Edward J Howard	LOT	N/A	HOWARD ESTATE - ENVIRONMENTAL
423 CHENANGO	Residential	ACQ & DEMO	Deborah Baran	VACANT	YES	IN-REM AGREEMENT
504 CHENANGO	Commercial	ACQ & DEMO	Anh The Ly	VACANT	YES	UP TO DATE
508 CHENANGO	Residential	ACQ & DEMO	Anh The Ly	VACANT	YES	UP TO DATE
510 CHENANGO	Parking Lot	ACQUIRE	Anh The Ly	N/A	N/A	UP TO DATE
510.5 CHENANGO	Residential	ACQ & DEMO	Rajiva Singh	VACANT	YES	FORECLOSED - IN COURT
512 CHENANGO	Residential	ACQ & DEMO			NO	OWES 2013
2 OGDEN	Residential	ACQ & DEMO	Rajiva Singh		NO	FORECLOSED - IN COURT
488-490 CHENANGO	Commercial		Two Eagles Realty Inc	VACANT	YES	OWES 2011 (INSTALLMENT), 2012 & 2013
486 CHENANGO	Vacant Lot	ACQUIRE	Susan Goodwin	LOT	N/A	UP TO DATE

Abdelazim, Tarik

Subject: FW: 488-490 Chenango Street

From: Hamlin, Dave C. (Real Property) [mailto:DHamlin2@co.broome.ny.us]

Sent: Thursday, November 21, 2013 2:35 PM

To: Abdelazim, Tarik

Cc: Bernardo, John M.; Datta, Bijoy

Subject: 488-490 Chenango Street

Tarik

Good afternoon, I've spoken with the 6th floor regarding your proposal and advised them that if the City pays the back taxes on the 2 properties by December 5 we will

then pull them from the December 14th auction.

Thanks

Dave

David C. Hamlin

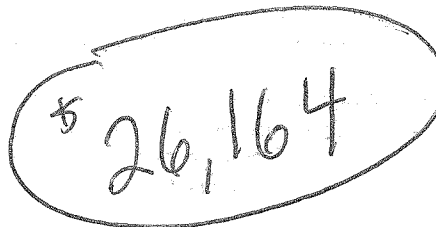
Director

Broome County Real Property Tax Service

P.O. Box 1766, Binghamton, N.Y. 13902

607-778-6068

dhamlin2@co.broome.ny.us



Address	back taxes	
488 Chenango	\$15,097.00	
490 Chenango	\$11,067.00	
15 Tudor	\$29,067.00	(this lot does have value and I have notified the neighbor who might need more parking)

From: Abdelazim, Tarik [mailto:tabdelazim@cityofbinghamton.com]

Sent: Monday, November 18, 2013 10:40 AM

To: Riley, Chloe A.

Cc: Hamlin, Dave C.

Subject: Back Taxes on Specific City Properties - December Auction

Morning, Chloe. Hoping you can help out with some quick information, and am including Dave in this thread to keep him in the loop.

I saw a few city properties on the auction scheduled for December. Can you please provide me the exact back taxes owed on the following:

1. 488 Chenango
2. 490 Chenango
3. 15 Tudor

I know the last one was fire-damaged and County paid for demolition, but this is in the preliminary floodplain, and I shared with Dave last week that the city has long-term goal of acquiring all properties south of

Susquehanna street and returning to green space. I would very much like to keep this lot out of private hands, since it has little to no value.

As for the Chenango properties, these are 'priority sites' identified in our ongoing Brownfield Opportunity Area. They are seriously distressed, especially 490. In addition, we are in final design of the Chenango Connector trail between Cheri Lindsey and Bevier Street bridge, and we'll be removing on-street parking in this section of Chenango Street to create dedicated bike lanes to make it safer for bicyclists. The community supports this move, but the business owners wanted us to try to find a couple sites for possible construction of a municipal lot. We tentatively identified these two sites as possible candidate. Whether that happens or not, I'm not sure, but I think it makes a lot of sense for either the city or land bank to take title to these two properties to allow for more predictable redevelopment outcomes or uses in the mid-term. In fact, the City identified these as one of our priority projects for the first round of AG funding, batched together with Big Lots plaza and Eddy Howard properties in same brownfield study area, but unfortunately, last minute decisions bumped the city's priorities way down the list. See attached summary sheet, which was given to land bank board in late August.

Look forward to hearing from you. Once I get the financial info, I'll follow-up with phone call to Dave to discuss options.

Thanks so much!

Cheers,

Tarik Abdelazim
Director of Planning, Housing and Community Development
38 Hawley Street
Binghamton, NY 13901
O: (607) 772-7028
F: (607) 772-7063
www.cityofbinghamton.com

Like us on Facebook - "Blueprint Binghamton"





Legislative Branch

RL Number:
13-222
Date Submitted:
1/16/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: William M. Barber

Title/Department: Director/Department of Parks and Recreation

Contact Information: wmbarber@cityofbinghamton.com;

RL Information

Proposed Title: A Resolution Authorizing the Mayor to apply for and accept up to \$25,000 in

grant funds from the New York State Department of Environmental Conservation's 2013 Urban and

Community Forestry Grant Program

Suggested Content: To be drafted by Corporation Counsel

should actually be
two separate ordinances
per our
auditors.
80

Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☒ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>Matthew T. Ryan</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>BA</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: New York State Department of Environmental Conservation (NYS DEC)

Total project cost: \$25,000

Total amount of grant: \$25,000

Local match (if any): \$0

If local match is monetary, provide the budget line and title: _____

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): reimbursable

If reimbursable, source of funds pending reimbursement: Revenue line to be established if approved.

Grant project manager: Melissa L. Encoh

Anticipated date of project completion: December 2014 (one year project)

Special project completion requirements (if any): _____

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

The grant will be used to assist the City in continuing to implement the 2010 Urban Forest Management Plan. Specifically, funds will be used to initiate a comprehensive tree inventory. This will be Phase One of the comprehensive inventory and will cover 1/4 of the City's trees. A consultant will be hired to work with the Parks Department in carrying out the inventory. The tree inventory will guide the City in tree planting decisions and put the City in line to apply for tree planting funds in the NYS DEC's Round 13 Community Forestry grants.



Legislative Branch

RL Number:

13-223

Date Submitted:

02/16/2013

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Melissa L. Enoch

Title/Department: Sustainable Development Planner / PHCD

Contact Information: mleloch@cityofbinghamton.com; 772-7028

RL Information

Proposed Title: A Resolution Authorizing the Mayor to Accept \$48,500 in grant funds from the

Stewart W. and Willma C. Hoyt Foundation, Inc. for a Green Stormwater and Landscaping Matching

Fund (GSLMF)

Suggested Content: To be drafted by Corporation Counsel

Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☒ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>Matthew T. Ryan</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: The Stewart W. and Willma C. Hoyt Foundation, Inc.

Total project cost: \$48,500

Total amount of grant: \$48,500

Local match (if any): none required

If local match is monetary, provide the budget line and title: _____

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): reimbursable

If reimbursable, source of funds pending reimbursement: revenue line to be established if approved

Grant project manager: Melissa L. Enoch

Anticipated date of project completion: December 2014

Special project completion requirements (if any): _____

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

The Hoyt Foundation has awarded the City a \$48,500 grant for a Green Stormwater and Landscaping

Matching Fund (GSLMF). The GSLMF will be open to small businesses and to residences where

sustainable landscaping is being installed. The maximum award will be \$5,000 and there will be a %50

match required by applicants.



Legislative Branch

RL Number:
13-224
Date Submitted:
11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: H. Peter L'Orange

Title/Department: Historic Preservation Planner / PHCD

Contact Information: 7028 hplorange@cityofbinghamton.com

RL Information

Proposed Title: An ordinance amending Article XI of the Zoning Code, Sign Regulations

Suggested Content: To be drafted by Corp. Counsel

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): 006-31

OFFICE USE ONLY	
Mayor:	<u>Matthew T. Ryan</u>
Comptroller:	<u>Charles J. Smith</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

City of Binghamton Sign Ordinance Update

Executive Summary

Background

The current Sign Ordinance was adopted in 2006. Since its adoption, there have been over 40 projects requiring variances for signage (nearly 25% of all projects requiring variances), resulting in 65 variances being granted. So far in 2013 alone, there have been 12 projects with a total of 17 variances granted; an astounding 44% of the projects heard by the Zoning Board of Appeals so far in 2013 have been related to signage. These numbers do NOT include the number of times applicants have had to redesign their sign plans in order to avoid variances. Obviously, the current Sign Ordinance no longer meets the needs of the business community in the City of Binghamton. Additionally, the existing Sign Ordinance does almost nothing to promote or encourage good sign design, resulting in signs which actually can have a negative impact on both the business they are associated with and other nearby properties.

In mid-2013, the Department of Planning, Housing, and Community Development began the process of drafting a new Sign Ordinance. Staff researched current best practices from a wide range of sources, including the American Planning Association, the United States Sign Council, the Signage Foundation Inc., and other municipalities from around the country. Then, working with other City departments, Planning Staff drafted a new Sign Ordinance which would be more flexible, more responsive to the needs of businesses, and which would take proactive steps to incentivize a higher quality of sign design in the City, which benefits everyone.

Objectives

The objectives of the new draft Sign Ordinance include:

- Giving people the freedom to effectively advertise their businesses, while preventing sign clutter.
- Hold business- and property-owners accountable to ensure that signs are safe, of quality construction and design, and are accurately promoting businesses in the City.
- Provide a more flexible approach to signage, doing away with the “one-size-fits-all” regulations currently in place.
- Provide clear minimum standards for all signs in the City, while establishing incentives for higher quality sign design.
- Update the ordinance to reflect changes in technology.
- Protect and enhance the visual aesthetic of the City.
- Streamline the process by which sign applications are reviewed and approved by the City to improve government efficiency and allow businesses to obtain their sign permits in a more timely fashion.
- Reduce the number of signs which require variances from the Zoning Board of Appeals, which will save businesses time and money.

How the New Sign Ordinance Works

The existing Sign Ordinance is based on a model which looks only at the size and number of a particular sign types (e.g. – wall signs, awning signs, pole signs, et cetera) in each Zoning district. For example, currently in the C-1 Service Commercial District, a wall sign is limited to 25% of the façade or 72 square feet, whichever is less, and you are only allowed one (1) wall sign per building. These regulations are very restrictive and inflexible. A sign of 72 square feet may be way too large on some buildings, and the limit of one (1) wall sign can be a burden on buildings with multiple street frontages. Similarly, under the existing Zoning Code, awning signs are limited to 16 inches tall by 6 feet long. While this might make sense of an awning which only spans an entranceway, it is not necessarily appropriate for an awning that extends the length of the façade.

Under the proposed new Sign Ordinance, a business unit would be allotted a specific maximum sign area, based on the business's primary and second facades. A "Primary Business Façade" is a façade with a main customer entrance; a "Secondary Business Façade" is façade with a secondary entrance and/or a façade facing a public street or a parking area. Under the proposed new Sign Ordinance, a business unit would be permitted two (2) square feet of signage for each one (1) linear foot of Primary and Secondary Façade. So, a business which has 30 feet of primary façade and 15 feet of secondary façade, would be permitted a total of 90 square feet of sign area. The business can use that 90 square feet of sign area on any of the types of signs allowed in that Zoning District.

Additionally, each sign type has certain performance standards and requirements to ensure quality signs, which are effective for the business, but will not result in over-signage. Wall signs, for example, can be up to two (2) square feet per linear foot on primary facades, but are limited to one (1) square foot per linear foot on a secondary façade; additionally, they can only span 80% of the façade on which they are mounted.

One of the other major changes in the proposed new Sign Ordinance is that it takes proactive steps to really encourage good, high quality sign design. The new ordinance includes area bonuses for going above and beyond the minimum design standards; business's which are willing to invest a little more in their signage should be rewarded for that commitment to the City. The incentives proposed include:

- A 10% area bonus for including a distinctive logo or image (common, widely used corporate logos do not qualify).
- A 15% area bonus for using individually cut letters instead of a flat pan sign.
- A 5% area bonus for simplified content (e.g. – eliminating things like phone numbers, lists of services/products, et cetera from the sign).
- A 10% area bonus for using external or halo lighting instead of internally lit signs.
- Awning signs which are located solely on the awning's valance shall not be counted toward a business's total sign area.
- A 20% area bonus for business's which voluntarily remove a legally non-conforming sign in favor of one which complies with the new ordinance and design standards (this will have a sunset date – currently proposed for Dec. 31, 2015).

Specific Sign-Types

These are the proposed schedules of which sign types would be allowed in each Zoning District. Please note, these schedules do NOT include those signs which are allowed by right without review and do not require sign permits (e.g. – real estate signs, address signs, political signs, private event/sales signs, et cetera).

Schedule IV-A. Permanent Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Accessory Signs				X	X	X	X	X	X	X	X	X
Awning Signs				X	X	X	X	X	X	X	X	X
Canopy Signs				X	X	X	X	X	X	X	X	X
Changeable Copy Signs				X	X	X	X				X	X
EMC Signs				X								X
Ground Signs				X	X	X	X	X		X	X	X
Marquee Signs				X	X	X	X	X		X	X	X
Pole Signs	#	#	#	X		X	X				X	X
Projecting Signs				X	X	X	X				X	X
Wall Signs	#	#	#	X	X	X	X	X	X	X	X	X

Window Signs				X	X	X	X	X	X	X	X	X	X
--------------	--	--	--	---	---	---	---	---	---	---	---	---	---

Schedule IV-B. Temporary Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Banner Signs				X	X	X	X	X	X	X	X	X
Construction Signs				X	X	X	X	X	X	X	X	X
Free-Standing Vertical Banner Signs				X	X		X			X	X	X
Merchandise Advertising Signs, Exterior				X			X			X	X	X
Merchandise Advertising Signs, Window				X	X		X	X		X	X	X
Sandwich Board Signs				X	X	X	X	X	X	X	X	X

X – Allowed Sign Type

– Strictly as accessory to an approved Home Occupation. Limit 1 sign per parcel, maximum area of 2 square feet, no more than 4 feet above grade. Illumination prohibited.

Standards for Permanent Sign Types

A. Accessory Signs (e.g. – directional signs, instructional signs, on-site informational signs).

1. Maximum sign area: 5 square feet
2. Maximum height, building mounted: 8 feet from grade
3. Maximum height, freestanding: 4 feet from grade
4. Maximum number of accessory signs: 2 per business unit frontage
5. Illumination: Permitted
6. Counts toward total signage area: No

B. Awning Signs.

1. Maximum sign area: 50% of the awning area
2. Minimum height to bottom of the awning: 8 feet above grade
3. Maximum height of awning: Top of the awning may not extend beyond the first floor of the building
4. Maximum number of awning signs: 1 per awning face
5. Illumination: Permitted
6. Counts toward total signage area: Yes

C. Canopy Signs.

1. Maximum sign area: 8 square feet
2. Minimum height at the bottom of the sign: 10 feet above grade
3. Maximum projection: 5 feet from building
4. Maximum number of canopy signs: 1 per business unit
5. Minimum spacing: 10 feet from any other canopy sign
6. Illumination: External illumination only
7. Counts toward total signage area: Yes

D. Changeable Copy Signs.

1. Maximum sign area: 75% of permitted sign face area, see below
2. Maximum number of changeable copy signs: 1 per parcel
3. Illumination: Permitted
4. Counts toward total signage area: Yes

5. Additional Requirements:

- a. Permitted only as an integral part of a wall sign or a freestanding (pole or ground) sign.
- b. The allowed area of the changeable copy sign shall be limited to 75% of the allowed area of the wall sign or freestanding sign of which it is a part.
- c. Area incentives as established in §410-62.2 shall not apply to changeable copy signs.

E. Electronic Message Center (EMC) Signs.

1. Maximum sign area: 40 square feet
2. Maximum height, pole-mounted: 25 feet from grade
3. Minimum height, pole-mounted: 10 feet from grade
4. Maximum height, ground: 8 feet from grade
5. Minimum setback: 5 feet from any property line
6. Minimum spacing: 50 feet from another other free-standing sign
7. Maximum number of EMC Signs 1 per parcel
8. Illumination: Permitted, in accordance with §410-61.
9. Counts toward total signage area: Yes
10. Additional Requirements
 - a. An EMC sign may be installed an integral part of, or in place of, a freestanding (pole or ground) sign; an EMC sign shall not be installed as a separate sign on the same parcel as another freestanding sign.
 - b. Cannot be located within 200 feet of a residential district or designated historic district.
 - c. Applicant must demonstrate compliance with §410-61(F) above.
 - d. Area incentives as established in §410-62.2 shall not apply to EMC signs.

F. Ground Signs.

- | | |
|---|---|
| 1. Maximum sign area: | 40 square feet |
| 2. Maximum height: | 8 feet from grade, as established in §410-61 |
| 3. Minimum setback: | 5 feet from any property line and/or driveway |
| 4. Maximum number of ground signs: | 1 per street frontage |
| 5. Illumination: | Permitted |
| 6. Counts toward total signage area: | Yes |
| 7. Additional requirements | |
| a. Compliance with §410-62(l) – Sight Triangle, as set forth above. | |

G. Marquee Signs.

- | | |
|--|---|
| 1. Maximum sign area: | 75% of marquee structure's height; 75% of its width |
| 2. Maximum number of marquee signs: | 1 per marquee; maximum 1 per business unit façade |
| 3. Allowed Locations: | Primary façades only |
| 4. Minimum height at the bottom of the sign: | 10 feet above grade |
| 5. Maximum projection from marquee: | 10 inches |
| 6. Illumination: | Permitted |
| 7. Counts toward total signage area: | Yes |

H. Pole Signs.

1. Maximum sign area: 50 square feet

2. Maximum height at the top of the sign: 25 feet from grade
3. Minimum setback: 5 feet from any property line
4. Maximum number of pole signs: 1 per parcel
5. Illumination: Permitted
6. Counts toward total signage area: Yes
7. Additional requirements
 - a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

I. Projecting Signs.

1. Maximum sign area: 20 square feet
2. Minimum height at the bottom of the sign: 10 feet above grade
3. Maximum projection: 5 feet from building
4. Maximum number of projecting signs: 1 per business unit
5. Minimum spacing: 10 feet from any other projecting sign
6. Illumination: External illumination only
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. Projecting signs shall not extend beyond the top of the building.

J. Wall Signs.

1. Maximum sign area, primary frontage: 2 square feet per linear foot of business frontage
2. Maximum sign area, secondary frontage: 1 square foot per linear foot of business frontage
3. Maximum number of wall signs: 1 sign per frontage
4. Maximum length of sign: 80% of the business façade
5. Maximum projection from building façade: 10 inches
6. Illumination: Permitted
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. The wall sign shall not extend beyond the top of the wall to which it is attached

K. Window Signs.

1. Maximum sign area: 50% of the window
2. Maximum number of window signs: 1 sign per window, 2 signs per frontage
3. Illumination: External illumination only
4. Counts toward total signage area: Yes

Standards for Temporary Sign Types

A. Banner Sign.

1. Maximum sign area: 1 square foot per linear foot of primary frontage
2. Maximum number of banner signs: 1 per business unit
3. Maximum length of banner sign: 50% of the business façade
4. Maximum display period: Up to 30 days, not more than 3 times in 12 months
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: No
8. Additional Requirements

- a. All banners must be anchored at all corners so as to keep the banner secured to the structure.

B. Construction Signs.

1. Maximum sign area: 32 square feet
2. Maximum number of construction signs: 1 per street frontage
3. Illumination: No
4. Temporary Sign Permit: Required
5. Counts toward total signage area: No
6. Additional Requirements
 - a. All such construction signs must be removed within 7 days after construction is completed.

C. Free-Standing Vertical Banners:

1. Maximum sign width: 2 feet at the widest point
2. Maximum sign height: 8 feet above grade
3. Maximum number of vertical banners: 1 per business unit
4. Maximum display period: During business hours only
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.
 - b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis on other form found acceptable by the City of Binghamton Corporation Counsel.

D. Merchandise Advertising Signs, Exterior.

1. Maximum sign area: 4 square feet
2. Maximum number of signs: 1 per 300 feet of business frontage
3. Minimum set back: 10 feet from any property line and/or driveway
4. Minimum spacing: 100 feet from any other exterior merchandise sign
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes

E. Merchandise Advertising Signs, Window.

1. Maximum sign area: 25% of the window
2. Maximum number of signs: 1 per window, maximum 4 per business unit
3. Illumination: Permitted, no flashing, scrolling, or moving
4. Temporary Sign Permit: Required
5. Counts toward total signage area: Yes
6. Additional Requirements
 - a. Window Merchandise Advertising Signs are not permitted in any door windows.

F. Sandwich Board Sign.

1. Maximum sign area: 8 square feet
2. Maximum number of sandwich board signs: 1 per business unit
3. Maximum display period: During business hours only
4. Illumination: No
5. Temporary Sign Permit: Required
6. Counts toward total signage area: Yes
7. Additional Requirements

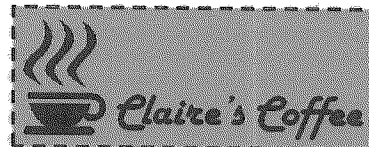
- a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.
- b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

Other Modifications

- Changes to How Sign Area is Measured: Currently, the Sign Ordinance requires that sign area be measured as "the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background." The proposed new ordinance would allow the measurement to be based on any combination of regular geometric shapes which, individual or collectively, would encompass the sign elements. This provides greater flexibility in determining the sign area. Pan, cabinet, and framed signs would still be measured by the dimensions of the pan, cabinet, or frame.



Individual letters with no background
Sign Area = 14.25 square feet

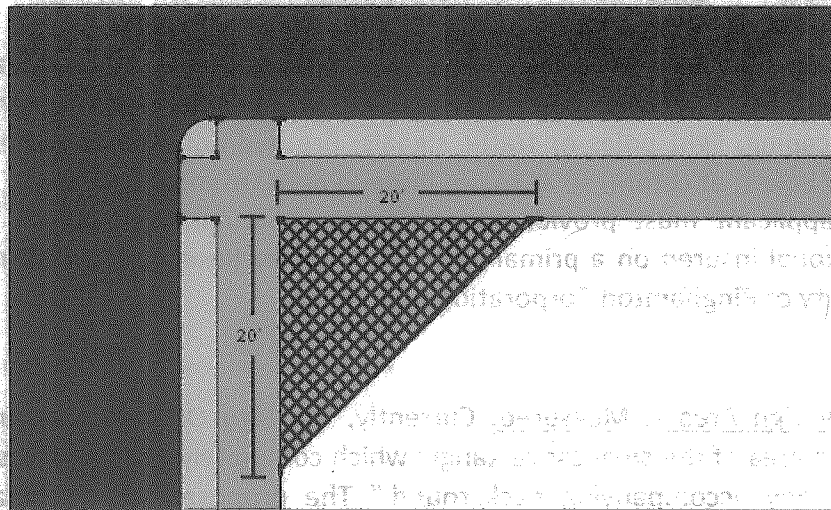


Framed sign with background
Sign Area = 22.5 square feet

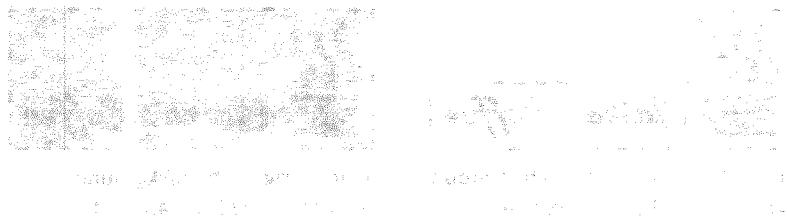
- Establishes a Minimum Transparency for Windows: The current ordinance does not address window transparency (the amount of a window which is/is not covered or obscured). The new ordinance would set a minimum transparency of 50% - so at least half of a window would have to remain unobscured by signage (permanent and temporary). This number was based on best practices, and is supported by law enforcement officials around the country. A minimum transparency of 50% means that they are better able to keep watch on things inside storefronts; and it means that a store is a less attractive target for robberies.
- Political Signs: The new ordinance modifies how political signs are handled in order to ensure that our Sign Ordinance does not unduly impinge on the First Amendment. It has been determined that our current Sign Ordinance's handling of political signs would likely not hold up in court if challenged; the new ordinance addresses these issues.
- Removal of Abandoned Signs: The new ordinance clarifies and strengthens the City's ability to require the removal of signs which no longer advertise an active or existing business.
- Signs at Corners: For traffic safety, it is necessary to have some restrictions on signs at street intersections; drivers need to have a clear line of sight, so it is important to make sure there are not any signs interfering with that. The current ordinance establishes a triangle at the corner of a parcel by measuring either 120 feet or 80 feet, depending on the type of street, from the centerline, and

Updated 11/25/13

connecting the ends to create the triangle. Within that area, signs cannot be higher than 3 feet or below 10 above grade (poles are allowed, provided they are less than 18 inches wide). The average business is going to have a hard time figuring out what all that means. The new ordinance would still require that there be a sight triangle, and would still require signs to be either below the 3 foot or above the 10 foot mark, but it simplifies how that sight triangle is determined. Now, the measurement is simply 20 feet from the parcel corner; the illustration has been updated to reflect this change.



- **Cleaning Up/Clarification to Definition Section:** The current ordinance has a very confusing and “clunky” definition section. The ordinance addresses this, making the definitions easier to understand and more useful to businesses.



ARTICLE XI, Sign Regulations

§ 410-58. Purpose and intent.

The purpose of this article is to promote the public health, safety, and welfare by establishing content neutral standards and criteria for the construction, installation, maintenance, and operation of outdoor advertising, outdoor advertising signs, and outdoor signs of all types in the City of Binghamton, which are subject to the provisions of this article. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this article is intended to:

- A. Promote the creation of a an attractive visual environment that promotes a healthy economy by:
 1. Permitting businesses to inform, identify, and communicate effectively; and
 2. Directing the general public through the use of sign while maintaining attractive and harmonious application of signs on the buildings and sites.
- B. Protect and enhance the physical appearance of the City of Binghamton in a lawful manner that recognizes the rights of property owners by:
 1. Encouraging appropriate design, scale, and placement of signs;
 2. Encouraging the orderly placement of signs on the building while avoiding regulations that are so rigid and inflexible that all signs are in a series are monotonously uniform;
 3. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible, and readable so that the sign achieves the intended purpose;
 4. Reducing sign clutter and the distractions and obstructions that may contribute to traffic accidents, and to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way; and
 5. Preserving scenic views and the visual character of neighborhoods, historic districts and parkland.
- C. Foster public safety along public and private streets within the City of Binghamton by assuring that all signs are in safe and appropriate locations.
- D. Establish review procedures that are the minimum necessary to:
 1. Balance the City's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses;
 2. Allow for consistent enforcement of the Sign Ordinance;
 3. Minimize the time required to review a sign application; and
 4. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the City's standards.
- E. Prohibit all signs not expressly permitted by this article.

§410-59. Application Process; Categories of Review.

- A. Signs for which a permit must be obtained in accordance with the provisions of this Article XI shall fall into one of the following categories:
 1. CAUD Review: any sign within a designated Local Historic District or involving a designated Local Landmark Property. Review of, and decision on, any sign application shall be made by the Commission on Architecture and Urban Design (CAUD) pursuant to §18-78.
 2. Standard Review: any sign that is located within the City of Binghamton that is outside a designated Local Historic District and does not involve a designated Local Landmark Property. Review of, and decision on, any Standard Review shall be made by the Department of Planning, Housing, and Community Development, except that the staff may request that such review and decision be made by the Commission on Architecture and Urban Design (CAUD)
- B. Permit applications shall be filed with the Department of Planning, Housing, and Community Development. The application shall contain:
 1. The name and address of the sign owner, the owner of the premises on which the sign is to be erected and the sign erector.

2. Scaled drawings showing the design and location of the sign, including an accurate plot plan and such other pertinent information as may be required to determine that the required standards are met. A photograph or rendering including all dimensions is required. The City reserves the right to approve, approve with modifications, or deny an proposed sign plan.
3. Insurance for Signs Extending Over the Public Right-of-Way.
 - a. The applicant shall place on file with the City, without cost to the City, satisfactory proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) naming the City of Binghamton as an additional insured on a primary non-contributory basis, along with any appropriate endorsements, including state of indemnification to hold the City of Binghamton harmless from any liability incurred or caused by the sign.
 - b. Such insurance shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give prior written notice to the City of Binghamton Office of the Corporation Counsel of any modification or cancellation of such insurance.
 - c. The provisions of this subsection shall not in any way limit the rights of the City to bring any action or proceeding against the applicant, his or her agents or employees to recover damages suffered by the City and caused by the applicant, his or her agents or employees.

§410-60. Sign Permit Required; Fees.

- A. Permit required. Except as expressly provided herein, no sign shall be erected, enlarged, altered or relocated unless an application for a sign permit evidencing the compliance of such work with the provisions of this section and other applicable provisions of this chapter shall have first been issued by the Supervisor of Building and Construction or their designee.
 1. A sign permit shall be required whenever there is any change in the structural form or sign face of any preexisting sign regardless of whether there is a change in ownership of the sign or the premises on which it is located.
 2. Routine sign maintenance or changing of parts designed to be changed shall not be considered an alteration requiring a sign permit.
- B. Fees.
 1. The permit and license fees for the erection, maintenance and continued operation of signs shall be as set from time to time by the City Council. An additional fee shall be charged for illuminated signs. Signage exempt from fees is limited to those found in §410-64.
 2. Where there is more than one sign on a property, a separate fee shall be collected for each sign.

§410-61. Definitions.

- A. As used in this article, a "sign" is any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Sign" does not include the flag of any nation, organization of nations, state or city, or fraternal, religious or civic organizations. "Sign" does not include merchandise; works of art which in no way identify a product; or scoreboards located on athletic fields.
- B. The following words and phrases used in this Sign Code shall have the following meanings:

Abandoned Sign. A sign which for a period of at least 30 consecutive days or longer no longer advertises or identifies a legal business establishment, product, or activity. See also "Landmark Status Sign."

Accessory Sign. A sign which is intended solely for the purposes of providing information to pedestrians and vehicles, and which does not include any commercial or advertising content.

1. **Directional Sign.** A permanent accessory sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.
2. **Instructional Signs.** A sign clearly intended for instructional purposes, as determined by the Zoning Enforcement Officer, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.
3. **On-Site Informational Sign.** A sign commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

Animated Sign. A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Area of Sign. The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Refer to measurement standards in §410-61 below.

Awning. A shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

Awning Sign. Any sign painted on or attached to or supported by an awning.

Banner Sign. A lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic, and is subject to the requirements of §410-67.2. Banner signs are typically considered temporary, but may be considered as permanent signage under special circumstances, such as when used for vertical, projecting signs.

Billboard or Poster Panel. An off-premises advertising sign.

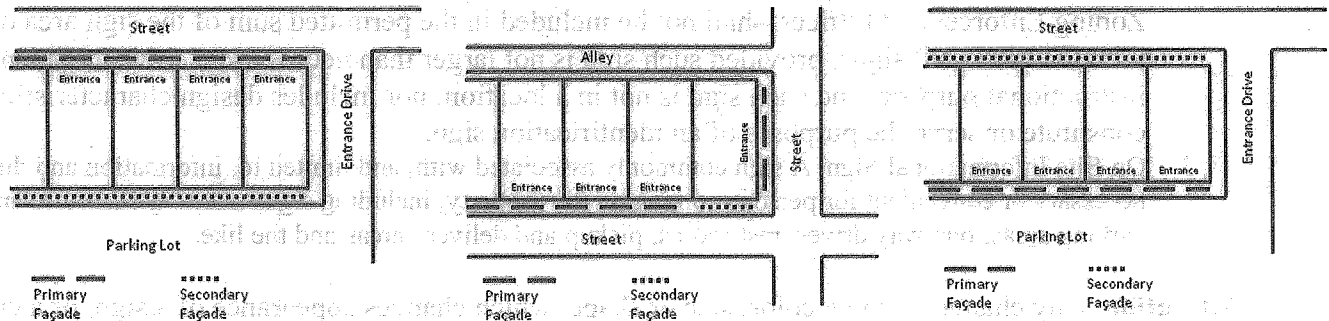
Building Identification Sign. Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

Business Façade. The linear length of a business unit's space. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a separate business façade.

Business Façade, Primary. The primary façade shall be considered the portion of any façades containing primary public entrance(s) to the building or building units.

Business Façade, Secondary. The secondary façade shall included façades containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary façade by above.

Primary and Secondary Façade examples



Business Unit. The area in a building, or portion thereof, occupied by a single business entity; tenant space.

Cabinet Sign. A permanent sign that is mounted on the face of a building that provides for internal illumination and changing the message of the sign by replacing a single transparent or translucent material such as a Plexiglas/lexan face; may be roughly rectangular in shape or may roughly follows the shape of the text of the sign. Also known as a “lightbox” sign.

Canopy. A permanently roofed shelter, other than the building roof, covering a sidewalk, driveway, or other similar area, which is supported by the building to which it is attached.

Canopy Sign. Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs for being visible to the pedestrian walking under the canopy.

CAUD. Commission on Architecture and Urban Design; see Chapter 18, Boards, Commissions and Committees, Article VI, of the Code of the City of Binghamton.

Changeable Copy Sign. A sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system. See also Electronic Messaging Center sign.

Construction Sign. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Electronic Messaging Center (EMC) Sign. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation

television screens, plasma screens, digital screens, flat screens, video boards, and holographic displays. See also "Static LED Display."

Freestanding Sign. Any sign which is permanently affixed in or upon the ground, supported by one or more structural members; this shall include Ground Signs, Pole Signs, and similar.

Freestanding Vertical Banner Sign. A temporary, freestanding vertically-oriented banner sign attached to a single vertical pole, supported by crossbar base or tipped with a ground spike.

Footcandle. A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Grade. The level of the site at the property line located at the closest distance to the sign.

Ground Sign. A sign erected on a freestanding base or structure (such as, but not limited to: concrete, masonry, wood, or stone) approximately the same dimensions as the sign face, and not attached to any building. See also Freestanding Sign and Pole Sign.

Halo Lighting. A method of sign illumination that consists of a light source external to the sign or sign elements and mounted behind the sign or sign elements. A halo lit sign shall be comprised solely of opaque letters or other sign elements, so that the light does not appear to emit from within or through the letters or other sign elements.

Height of Sign. The measurement from the base of the sign to its highest element; measured as set forth in §410-61 below.

Historic District. The regulation of signs in historic districts shall be subject to the additional provisions provided in Chapter 18, Boards, Commissions and Committees, Article XII, Landmarks Preservation Commission, of the Code of the City of Binghamton.

Holiday Decorations. Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Illegal Sign. Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.

Illuminated Sign. Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

Landmark Status Sign. Abandoned signs which have been determined by the Commission on Architecture and Urban Design (CAUD) to have historical significance for the City; these signs are exempt from the removal requirements of other abandoned signs.

Length of Façade.

1. For measurement purposes, the length of any primary or secondary façade as defined herein, shall be the sum of all wall lengths parallel, or nearly parallel, to such façades excluding any such wall length determined by the Zoning Enforcement Officer or Planning Commission as clearly unrelated to the façade criteria.
2. The business façade for a building unit shall be measured from the centerline of the party walls defining the building unit.

Logo, Logogram, or Logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Marquee. A permanent rooflike shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Marquee Sign. Any sign painted on or attached to or supported by a marquee. A marquee sign shall not project beyond the supporting marquee more than six (6) inches.

Merchandise Advertising Sign. Any point-of-purchase sign or advertisement located in immediate proximity to merchandise for sale or the business or service offered, describing such merchandise or service, its price and any terms of sale. This shall not include the following: any labeling or product information applied by the manufacture directly to the product; any changeable copy type signage or off-premises advertising signage; or any political and/or noncommercial sign.

1. Exterior merchandise advertising sign. Any merchandise advertising sign located outside of a structure; may be attached to an exterior façade of a structure or secured to a freestanding pole or other support structure.
2. Window merchandise advertising. Any merchandise advertising sign applied or attached the exterior or interior surface of the window, or within 12 inches of the window through which it can be seen. These sign include, but are not limited to: product signs, illuminated and neon alcohol advertising signs, illuminated ATM signs, Western Union or similar signs.

Mural. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Neon Sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

Noncommercial Sign. Any sign (including, but not limited to: political signs, statements of opinion, no trespassing signs, and similar) designed for the purpose of any noncommercial expression not related to the advertisement of any product, item for sale, or service or the identification of any business.

Nonconforming Sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

Off-Premises Advertising Sign. Any sign identifying or advertising goods, products, services or facilities offered at a different location from where the sign is installed.

On-Premises Advertising Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises on which the sign is installed.

Pole Sign. A sign that is mounted on a freestanding pole or similar supports, with air space between the ground and the sign face. See also Freestanding Sign and Ground Sign.

Political Sign. See “Noncommercial Sign.”

Portable Reader Sign. A sign which is not structurally attached to the ground or to a building, but which is mounted on a trailer, platform, legs or other device which may be moved from one location to another. This does not include Sandwich Board signs or Vertical Banner signs as separately defined herein.

Projecting Sign. A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.

Real Estate Sign. Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Revolving or Rotating Sign. An animated sign.

Roof Sign. Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

Sandwich Board Sign. A freestanding temporary sign, with no moving parts or lights, displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion or special, et cetera (excluding real estate signage). It is not intended as permanent business signage.

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

Sign Face. An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Site. All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

Static LED Display. A single-color light emitting diode (LED) display used for limited, infrequently changing sign content (including, but not limited to: time and temperature displays, fuel prices, and similar) which is incorporated into a freestanding sign as a subservient, accessory feature. The displayed content shall not move, scroll, flash, or in any other way simulate motion. This type of display shall be distinct from EMC signs.

Special Event Sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

Temporary Sign. Any sign which is installed for a period not to exceed 30 days. This does not include Noncommercial signs as defined above.

Wall Sign. Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Window, Area of. The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than three (3) inches wide.

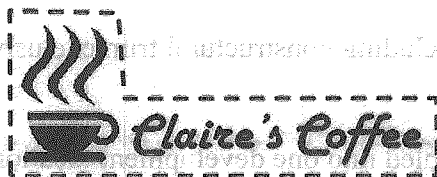
Window Sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

§410-62. General standards.

The following general standards shall apply to all signs:

- A. Unless specifically stated otherwise, the signage for each business unit in a multi-tenant building or development site shall be considered independently.
- B. Sign Measurements and Dimensions.
 1. For a sign which is framed, outlined, painted, or otherwise prepared and intended to provide a background for the sign display, the area and dimensions shall include the entire portion within such background or frame.
 2. For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.

Sign Area examples



Individual letters with no background
Sign Area = 14.25 square feet



Framed sign with background
Sign Area = 22.5 square feet

3. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building, or structural form complementing the site in general.
4. Multi-faced Signs.
 - a. Signs with two (2) faces. If the interior angle between the two (2) sign faces is 15 degrees or less, the sign area is of one sign face only. If the angle between the two (2)

sign faces is greater than 15 degrees, the sign area is the sum of the area of the two sign faces.

- b. Signs with more than two (2) faces. The sign area is the sum of the areas of all sign faces.

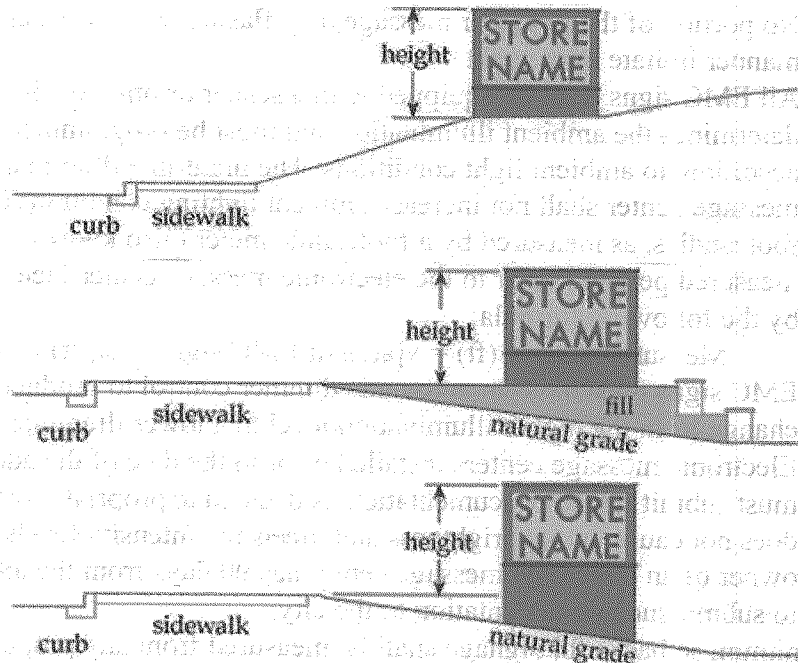
C. **Maximum Total Sign Area.** The total sign area of a business unit shall be limited to two (2) square feet of sign per one (1) linear foot of business façade. Only primary and secondary business façades shall be included in this calculation. Except for freestanding signs, area allowances for signs may be utilized only on the side of the building from which they are calculated. Specific sign types included in the maximum total signage area are established in §410-67 below.

D. **Minimum Transparency.** The total area of each window covered or obscured shall not exceed 50%. The calculation of this area shall include, but is not limited to, all signs, permanent or temporary, and all notices, flyers, posters, and merchandise advertisements. Address signs, hours of operation, and similar shall not be included in this calculation. The total area of each door window covered or obscured shall not exceed 10%. Temporary signs, including but not limited to notices, flyers, posters, merchandise advertising signs, et cetera, shall not be permitted in any windows located in doors used by the public.

E. **Sign Height.**

1. **Freestanding Signs (Ground Signs and Pole Signs).** The sign height is measured as the vertical distance from the average elevation of the finished grade within an eight-foot radius from all sides of the sign at its base to the top of the sign, exclusive of any filling, berming, mounding, or landscaping solely for the purpose of locating the sign (e.g. – man-made grade change).
 - a. If the natural grade at the base of a sign is higher than the grade of the adjacent road, the sign height shall be measured from the base of the sign.
 - b. If the natural grade at the base of a sign is lower than the grade of the adjacent road, the height of the sign shall be measured from the top of the curb elevation.

Freestanding Sign Height examples



F. **Sign Illumination.** Unless otherwise specified in this Article, allowed permanent signs may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or external indirect illumination; temporary signs may not be illuminated.

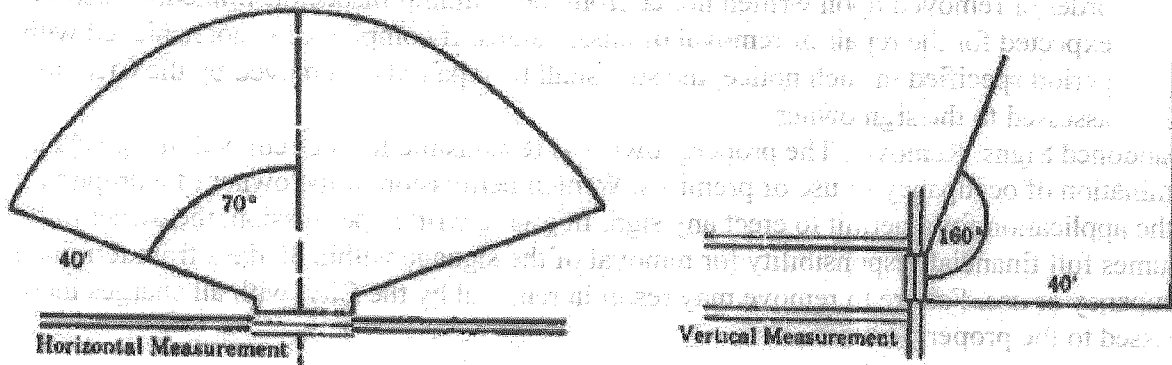
1. **Electrical elements.** All wiring, fitting and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of §225-4 of the Code of the City of Binghamton.
 2. All illumination for signs shall comply with the regulations as set forth in §410-24(J) of the City of Binghamton Zoning Ordinance.
 3. All electrical signs must be manufactured by a licensed electronic sign company and shall be labeled with the appropriate UL or ETL label as required by the NEC Code and the UL 48 Standards, or their most recent addendum, prior to the installation of the sign.
 4. Except as specified elsewhere, sign illumination shall be limited to the hours of operation for the business unit with which the sign is associated.
 5. **Externally Illuminated Sign Standards**
 - a. Except as provided in subsection b, externally illuminated signs shall be illuminated only with steady, stationary, shielded light source, directed so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
 - b. **Bare bulb illumination.** Permitted for a theatre/cinema as accent lighting around the outside edge of a changeable copy sign.
 6. **Neon Sign Standards.** Neon tubing may be used in conjunction with other types of materials to artistically emphasize the business name or logo.
 7. **Static LED Display Standards.** Static LED displays may be used in conjunction with a freestanding sign, provided it does not occupy more than 15% of the freestanding sign's area. A static LED display may not change more than once per 60 seconds.
 8. **Electronic Message Center (EMC) Signs**
 - a. Any message or portion of an image or message must have a static display for a minimum duration of 10 seconds.
 - b. Transition time between content may not exceed 2 seconds.
 - c. No portion of the image or message may flash, scroll, twirl, change color, or in any manner imitate movement.
 - d. All EMC signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center shall not increase ambient lighting conditions by more than 0.3 footcandles, as measured by a footcandle meter (also known as a "luxmeter"), when measured perpendicular to the electronic message center face at a distance determined by the following formula:
$$\text{Measure distance (ft)} = \sqrt{[\text{area of EMC sign (in sq ft)} \times 100]}$$
 - e. EMC signs must have an automatic dimmer control to produce a distinct illumination change from the higher illumination level to a lower illumination level.
 - f. Electronic message centers installed prior to the date of the adoption of this ordinance must submit written documentation as deemed appropriate by the City that the sign does not cause undue brightness and meets the intensity levels specified above. The owner of an electronic message center has 90 days from the adoption of this ordinance to submit such documentation to the city.
- G. **Setbacks.** All minimum setbacks for signage shall be measured from any property line to the closest portion of the signage structure, including, but not limited to any: sign face; frame; supporting pole(s) or structure(s); or lighting devices attached to the sign or its structure.
- H. **Structure and Installation**
1. **Supporting Structures.** The construction and structural components of all signs shall be in accordance with the standards and regulations of the New York State Building Construction

Code, Fire Code of New York State, Mechanical Code of New York State and the Electrical Code of New York State.

2. Raceways and Cabinets.

- a. Raceways shall not be included in the sign area measurement, provided the raceway does not extend beyond any letters, symbols, or images included in the sign.
 - b. Where a raceway or cabinet provides contract background color to the sign copy, the colored area is counted in the sign area measurement.
 - c. Signs with raceways or cabinets cannot extend beyond the face of the building façade by more than ten (10) inches.
3. All signs shall be secured in a manner sufficient to ensure that they will remain attached to the building or structure.
4. Obstruction of accessways. No sign or sign structure shall obstruct free ingress or egress from a fire escape door, window, sidewalk or other required accessway.
5. Obstruction of light, air or ventilation. No sign shall be erected or maintained within the zone of light obstruction for any window opening into any habitable room of any residential unit. The zone of light obstruction is a segment of a cone described horizontally by an arc drawn from the center line to the window, measured horizontally, extending to 70° on either side of the center line, at a radius of 40 feet, and described vertically by the space between a plane extending horizontally from the window sill and a plane extending from the top of the window at an angle of 160° to the face of the building.

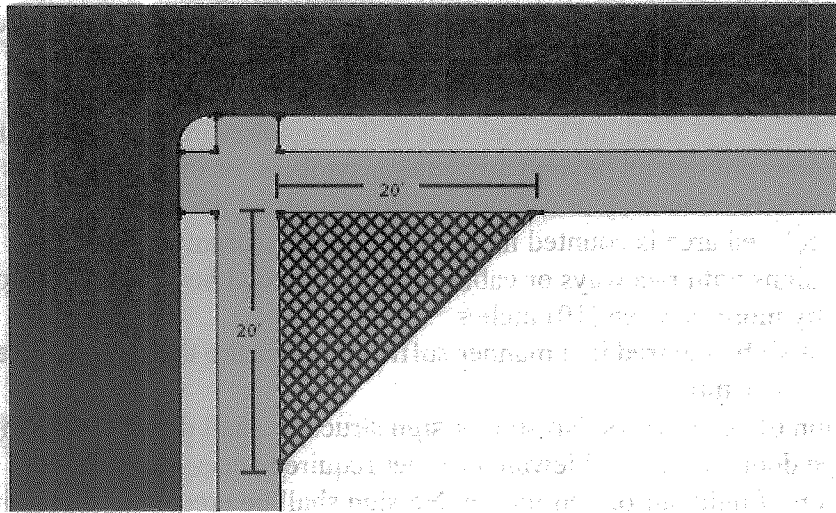
Obstruction of Air and Light



I. Traffic Safety.

1. Traffic control. No sign shall be maintained at any location where, by reason of its position, size, shape, content, lighting, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
2. Sight Triangle. For parcels located at the corner of two intersecting streets, a clear sight triangle shall be maintained. The sight triangle shall be the area formed by measuring a distance of 20 feet from the corner of the parcel along the lot lines and connecting the end points so as to establish a triangle on the area of the lot adjacent to the street intersections. No sign, nor any part of a sign, other than a supporting pole or brace measuring 18 inches or less in width or diameter, shall be located between three (3) feet and 10 feet above the grade within this sight triangle

Sight Triangle Area



J. Sign Maintenance

1. **Responsibility.** The owner of a sign and the owner of the premises on which each sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times, and to prevent the development of any corrosion, rotting or other deterioration in the physical appearance or safety of such sign. This includes graffiti, peeling paint, faded colors and damaged materials.
2. **Unsafe signs.** Unsightly, damaged, deteriorated sign or signs in danger of falling shall be put in order or removed upon written notice from the Building Inspector. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the City and the costs assessed to the sign owner.

K. Abandoned Signs, Removal. The property owner is responsible for the removal of signage upon termination of occupancy or use of premises. Written permission of the owner of a property is required in the application for a permit to erect any sign. In giving written permission, the owner of the property assumes full financial responsibility for removal of the signage within 30 days from termination of occupancy or use. Failure to remove may result in removal by the City, with all charges incurred assessed to the property owner.

§410-63. Design Criteria.

A. Minimum Design Criteria. Sign applications shall be reviewed according to the following minimum design standards:

1. Signs shall enhance the overall appearance, image, and design character of the building and site.
2. Signs shall be simple and clear so as not to distract moving traffic.
3. Signs shall be architecturally integrated into the building by relating scale, location, sign type, style, materials, and colors to the architectural style and size of the building or business unit.
4. Placement of signage shall not obscure or overlap architectural elements.
5. Internally illuminated signs shall either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light grey, or cream) background and generally lighter text and symbols.
6. Illuminated signs should be oriented away from adjoining residential properties whenever possible.
7. Raceway cabinets, where used as an element of wall mounted signs, shall match the building color at the location of the building where the sign is located.

8. Signage in designated Historic Districts and signage located on designated Local Landmark Historic properties shall be in conformance with the City of Binghamton Historic Design Guidelines.

B. Preferred Design Criteria and Incentives. Applicants are encouraged to take proactive steps to improve the quality and design of signage in the City of Binghamton. The following are the City's preferred design standards. Sign applications meeting these optional, increased standards shall be eligible for the incentives as specified below. The incentive bonuses shall be increased signage area based on the square foot allowed for each sign as established in §410-67.1 below.

Example:

<u>Max. Area</u>	<u>Bonus #1</u>	<u>Bonus #2</u>	<u>Bonus #3</u>	<u>Total Area</u>
100 sq ft	10% of 100 = 10 sq ft	N/A	N/A	110 sq ft
100 sq ft	10% of 100 = 10 sq ft	15% of 100 = 15 sq ft	N/A	125 sq ft
100 sq ft	10% of 100 = 10 sq ft	15% of 100 = 15 sq ft	20% of 100 = 20 sq ft	145 sq ft

1. Incorporation of a Distinctive Logo. Distinctive or unique logos or images provide visual interest to the streetscape and help attract the attention of customers, and are encouraged. Signs that incorporate a unique and distinctive logo, rather than a generic image, shall receive a maximum area bonus of 10% of the allowed square footage. Common, widely used trademarked corporate logos are not eligible for this bonus.
2. Use of Individually Cut Letters. Panel or box signs, or signs with a single cabinet containing all of the content, are discouraged. Signs which use individual cut letters, such as pan channel cut letters, or projecting or ground signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed, or sandblasted signs, shall receive a maximum area bonus of 15% of the allowed square footage.
3. Simplified Content. Signs which include information such as telephone numbers, general business information, or other secondary content, are discouraged. Signs which limit the content to the business name and/or a distinctive image or logo, if any, shall receive a maximum area bonus of 5% of the allowed square footage.
4. External or Halo Lighting. Internally illuminated signs can become a distraction and a visual nuisance, so they are discouraged. Signs which use properly shielded external illumination or backlit, or halo, illumination are strongly encouraged. Signs which use either properly shielded external illumination or halo lighting shall receive a maximum area bonus of 10% of the allowed square footage.
5. Signs on Awning Valences. Awning signs located on an awning valence, instead of the awning face, shall not be counted toward the total signage area for the business unit, provided the valence does not hang more than nine (9) inches down from the bottom of the awning frame.
6. Voluntary Removal of a Legally Non-Conforming Sign. Any applicant voluntarily removing an active pre-existing non-conforming sign in order to comply with these regulations, shall receive a maximum area bonus of 20% of the allowed square footage. This area bonus shall only apply to signs replaced beginning from the effective date of this legislation until 31 December 2015.

§410-64. Signs Specifically Prohibited, All Districts.

The following signs are prohibited in all districts and new signs shall not be erected. Existing signs are grandfathered and must be maintained or removed at the request of the Building Inspector.

- A. Off-Premise Advertising signs ("Billboards"). Off-Premise Advertising signs are expressly prohibited except upon permit issued by the Common Council as provided herein.
 1. Common Council approval. Within 30 days, or such longer period as may be agreed upon by the applicant, of receipt and review of the written recommendations of the Planning Commission,

the Common Council shall either deny the permit or, by ordinance duly adopted, approve the permit, with or without modifications to be accepted by the applicant as a condition of such approval. The failure of City Council to act within the aforementioned time period shall be deemed a final denial of the permit.

2. Review by the Planning Commission. Before consideration of the Common Council, an applicant shall first submit an application to the Planning Commission for review. The Planning Commission shall consider the application at the next regularly scheduled meeting and thereafter forward to the Common Council its written recommendation within 30 business days following such meeting. In its report, the Planning Commission may recommend approval, approval with modification or denial. In reaching its decision, the Planning Commission shall consider:

- a. Whether the proposed sign will have a substantial or undue adverse effect upon adjacent properties, the character of the neighborhood, traffic safety, and other matters affecting the public health, safety and general welfare.
- b. Whether the proposed sign will be constructed or arranged so as not to dominate the immediate vicinity or interfere with the development or use of neighboring property.
- c. Whether the proposed design will result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.
- d. Whether the proposed design will be compatible with the physical environment and aesthetically harmonious with the surrounding area.
- e. Whether the proposed location and placement of the sign will create any traffic or safety hazards.
- f. Whether the placement of the sign is necessary or desirable to provide a service which is in the interest of public convenience or which contributes to the general welfare of the community.
- g. Whether the proposed sign, when considered with all other signage in the vicinity, will result in an excessive number of signs so as to result in a negative impact on the visual aesthetic of the area.

B. Signs posted on public property per Chapter 163 of the City of Binghamton Code of Ordinances, except as provided for in §410-67.2 below ("Standards for Temporary Sign Types") and Chapter 327 of the City of Binghamton Code of Ordinances, "Rights-of-Way, Use Of." The City reserves the right to remove any such unauthorized sign on public property immediately and without notice.

C. Mechanically moving signs including but not limited to: signs which spin or rotate, signs which, in whole or in part, pivot or wave; tri-vision signs or signs with multiple faces which periodically rotate into view; signs with multiple faces on a roll.

D. Portable reader signs as defined in §410-61 above.

E. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.

F. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal device.

§410-65. Signs Allowed by Right.

The following signs are permitted in any district without design review, sign permit, or fee:

A. Address signs, provided that such signs are limited to no more than one sign per occupancy, and shall be limited to not more than two square feet, and if a ground sign or pole sign not more than four (4) feet above grade.

B. Signs required by law.

C. Governmental signs.

- D. Flags and emblems: flags and emblems of a governmental, civic, philanthropic, educational or religious organization. Shall not contain any advertising content.
- E. Historical or architectural designation signs: limited to not more than one wall or ground sign per structure, building or site. Such sign may not be more than three square feet in area and, if a ground sign, shall be not more than four feet above grade to top of sign, and shall be set back at least five feet from any lot line. Such signs must be approved by CAUD.
- F. Memorial signs, provided that such signs are an integral part of the building or structure, or are made of a durable material such as bronze, stone, or concrete. Such signs must be approved by CAUD.
- G. Holiday decorations, provided that such signs shall be displayed for a period of not more than 60 consecutive days, nor more than 10 days following the holiday in connection with which they are displayed.
- H. Noncommercial signs, provided that such signs are not more than 32 square feet in area if located in a commercial or industrial district or four (4) square feet in a residential district; are limited to not more than one message or topic per street frontage; are located entirely on private property pursuant to the owner's consent; and are maintained as so to prevent any corrosion, rotting or other deterioration in the physical appearance or safety of such sign in accordance with §410-62(J) above..
- I. Private event signs: temporary signs advertising private events, such as bingo games, fairs, and the like; provided that such signs are no more than 32 square feet in area; and are erected no more than 30 days prior to the event; and removed within 10 days following the conclusion of the event.
- J. Private sale signs, provided that such signs are no more than five (5) square feet in area; are located entirely on the premises where such sale is to be conducted or on other private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 24 hours in advance of such sale; and are removed on the day following the conclusion of such sale.
- K. Real estate signs: one real estate sign per street frontage per lot, provided that the sign does not exceed four (4) square feet in area per residential lot, 32 square feet in area per commercial lot, or 50 square feet in area per industrial lot. Real estate signs shall be removed within two weeks following the sale or rental of the property.
- L. Warning signs, provided that such signs are wall or ground signs, are not more than three square feet in area each, and are illuminated only by an indirect source of light.
- M. Roadside mailbox bearing a name and/or address number and installed according to U.S. Postal Service requirements.

§410-66. Allowable Sign Type and Location Matrix.

Except as specified above in §410-65, signs allowed in each Zoning District shall be as follows:

Schedule IV-A. Permanent Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Accessory Signs				X	X	X	X	X	X	X	X	X
Awning Signs				X	X	X	X	X	X	X	X	X

Canopy Signs				X	X	X	X	X	X	X	X	X
Changeable Copy Signs				X	X	X	X				X	X
EMC Signs				X								X
Ground Signs				X	X	X	X	X		X	X	X
Marquee Signs				X	X	X	X	X		X	X	X
Pole Signs	#	#	#	X		X	X				X	X
Projecting Signs				X	X	X	X				X	X
Wall Signs	#	#	#	X	X	X	X	X	X	X	X	X
Window Signs				X	X	X	X	X	X	X	X	X

Schedule IV-B. Temporary Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Banner Signs				X	X	X	X	X	X	X	X	X
Construction Signs				X	X	X	X	X	X	X	X	X
Free-Standing Vertical Banner Signs				X	X		X				X	X
Merchandise Advertising Signs, Exterior				X			X				X	X
Merchandise Advertising Signs, Window				X	X		X	X			X	X
Sandwich Board Signs				X	X	X	X	X	X		X	X

X – Allowed Sign Type

– Strictly as accessory to an approved Home Occupation. Limit 1 sign per parcel, maximum area of 2 square feet, no more than 4 feet above grade. Illumination prohibited.

§410-67.1. Standards for Permanent Sign Types.

All permanent signs require a valid permit, as set forth above in §410-59. Maximum sign area per business unit shall be determined as set forth in §410-62 above. Except as specified for residential districts in §410-66 above, the following standards shall apply to all permanent sign types.

A. Accessory Signs.

1. Maximum sign area: 5 square feet
2. Maximum height, building mounted: 8 feet from grade
3. Maximum height, freestanding: 4 feet from grade
4. Maximum number of accessory signs: 2 per business unit frontage
5. Illumination: Permitted
6. Counts toward total signage area: No

B. Awning Signs.

1. Maximum sign area: 50% of the awning area
2. Minimum height to bottom of the awning: 8 feet above grade
3. Maximum height of awning: Top of the awning may not extend beyond the first floor of the building
4. Maximum number of awning signs: 1 per awning face
5. Illumination: Permitted.
6. Counts toward total signage area: Yes

C. Canopy Signs.

1. Maximum sign area: 8 square feet
2. Minimum height at the bottom of the sign: 10 feet above grade
3. Maximum projection: 5 feet from building

4. Maximum number of canopy signs: 1 per business unit
5. Minimum spacing: 10 feet from any other canopy sign
6. Illumination: External illumination only
7. Counts toward total signage area: Yes

D. Changeable Copy Signs.

1. Maximum sign area: 75% of permitted sign face area, see below
2. Maximum number of changeable copy signs: 1 per parcel
3. Illumination: Permitted
4. Counts toward total signage area: Yes
5. Additional Requirements:
 - a. Permitted only as an integral part of a wall sign or a freestanding (pole or ground) sign.
 - b. The allowed area of the changeable copy sign shall be limited to 75% of the allowed area of the wall sign or freestanding sign of which it is a part.
 - c. Area incentives as established in §410-62.2 shall not apply to changeable copy signs.

E. Electronic Message Center (EMC) Signs.

1. Maximum sign area: 40 square feet
2. Maximum height, pole-mounted: 25 feet from grade
3. Minimum height, pole-mounted: 10 feet from grade
4. Maximum height, ground: 8 feet from grade
5. Minimum setback: 5 feet from any property line
6. Minimum spacing: 50 feet from another other EMC sign
7. Maximum number of EMC Signs: 1 per parcel
8. Illumination: Permitted, in accordance with §410-61.
9. Counts toward total signage area: Yes
10. Additional Requirements:
 - a. An EMC sign may be installed as an integral part of, or in place of, a freestanding (pole or ground) sign; an EMC sign shall not be installed as a separate sign on the same parcel as another freestanding sign.
 - b. Cannot be located within 200 feet of a residential district or designated historic district.
 - c. Applicant must demonstrate compliance with §410-61(F) above.
 - d. Area incentives as established in §410-62.2 shall not apply to EMC signs.

F. Ground Signs.

1. Maximum sign area: 40 square feet
2. Maximum height: 8 feet from grade, as established in §410-61
3. Minimum setback: 5 feet from any property line and/or driveway
4. Maximum number of ground signs: 1 per street frontage
5. Illumination: Permitted
6. Counts toward total signage area: Yes
7. Additional requirements:
 - a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

G. Marquee Signs.

1. Maximum sign area: 75% of marquee structure's height; 75% of its width
2. Maximum number of marquee signs: 1 per marquee; maximum 1 per business unit façade
3. Allowed Locations: Primary façades only
4. Minimum height at the bottom of the sign: 10 feet above grade
5. Maximum projection from marquee: 10 inches

- | | |
|--------------------------------------|-----------|
| 6. Illumination: | Permitted |
| 7. Counts toward total signage area: | Yes |

H. Pole Signs.

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|---|-------------------------------|
| 1. Maximum sign area: | 50 square feet |
| 2. Maximum height at the top of the sign: | 25 feet from grade |
| 3. Minimum setback: | 5 feet from any property line |
| 4. Maximum number of pole signs: | 1 per parcel |
| 5. Illumination: | Permitted |
| 6. Counts toward total signage area: | Yes |
| 7. Additional requirements | |

a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

I. Projecting Signs.

- | | |
|--|--|
| 1. Maximum sign area: | 20 square feet |
| 2. Minimum height at the bottom of the sign: | 10 feet above grade |
| 3. Maximum projection: | 5 feet from building |
| 4. Maximum number of projecting signs: | 1 per business unit |
| 5. Minimum spacing: | 10 feet from any other projecting sign |
| 6. Illumination: | External illumination only |
| 7. Counts toward total signage area: | Yes |
| 8. Additional Requirements | |

a. Projecting signs shall not extend beyond the top of the building.

J. Wall Signs.

- | | |
|---|---|
| 1. Maximum sign area, primary frontage: | 2 square feet per linear foot of business frontage |
| 2. Maximum sign area, secondary frontage: | 1 square foot per linear foot of business frontage |
| 3. Maximum number of wall signs: | 1 sign per frontage |
| 4. Maximum length of sign: | 80% of the business façade |
| 5. Maximum projection from building façade: | 6 inches; up to 9 inches for halo lighting purposes |
| 6. Illumination: | Permitted |
| 7. Counts toward total signage area: | Yes |
| 8. Additional Requirements | |

a. The wall sign shall not extend beyond the top of the wall to which it is attached

K. Window Signs.

- | | |
|--------------------------------------|---|
| 1. Maximum sign area: | 50% of the window |
| 2. Maximum number of window signs: | 1 sign per window, 2 signs per frontage |
| 3. Illumination: | External illumination only |
| 4. Counts toward total signage area: | Yes |

§410-67.2. Standards for Temporary Sign Types.

The followings standards shall apply to all temporary sign types. Temporary signs are not eligible for the incentives established in §410-62.2.

A. Banner Sign.

- | | |
|------------------------------------|---|
| 1. Maximum sign area: | 1 square foot per linear foot of primary frontage |
| 2. Maximum number of banner signs: | 1 per business unit |
| 3. Maximum length of banner sign: | 50% of the business façade |
| 4. Maximum display period: | Up to 30 days, not more than 3 times in 12 months |

5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: No
8. Additional Requirements
 - a. All banners must be anchored at all corners so as to keep the banner secured to the structure.

B. Construction Signs.

1. Maximum sign area: 32 square feet
2. Maximum number of construction signs: 1 per street frontage
3. Illumination: No
4. Temporary Sign Permit: Required
5. Counts toward total signage area: No
6. Additional Requirements
 - a. All such construction signs must be removed within 7 days after construction is completed.

C. Free-Standing Vertical Banners.

1. Maximum sign width: 2 feet at the widest point
2. Maximum sign height: 8 feet above grade
3. Maximum number of vertical banners: 1 per business unit
4. Maximum display period: During business hours only
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.
 - b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

D. Merchandise Advertising Signs, Exterior.

1. Maximum sign area: 4 square feet
2. Maximum number of signs: 1 per 300 feet of business frontage
3. Minimum set back: 10 feet from any property line and/or driveway
4. Minimum spacing: 100 feet from any other exterior merchandise sign
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes

E. Merchandise Advertising Signs, Window.

1. Maximum sign area: 25% of the window
2. Maximum number of signs: 1 per window, maximum 4 per business unit
3. Illumination: Permitted, no flashing, scrolling, or moving
4. Temporary Sign Permit: Required
5. Counts toward total signage area: Yes
6. Additional Requirements

- a. Window Merchandise Advertising Signs are not permitted in any door windows.

F. Sandwich Board Sign.

1. Maximum sign area: 8 square feet
2. Maximum number of sandwich board signs: 1 per business unit
3. Maximum display period: During business hours only
4. Illumination: No
5. Temporary Sign Permit: Required
6. Counts toward total signage area: Yes
7. Additional Requirements
 - a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.
 - b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

§410-68. Variance Procedure.

Where a sign permit application is denied, the applicant is entitled to petition the Zoning Board of Appeals, which shall hear and decide all appeals pursuant to Article XIV of this chapter. Such appeals shall be taken by filing for such a variance with the Zoning Board of Appeals through the Department of Planning, Housing, and Community Development. In making a decision, the Zoning Board of Appeals shall consider the standards applicable to an area variance.

§410-69. Violations and Penalties.

A. Violations. The Office of Building and Construction shall have the authority to enforce the removal of any signs that are in violation of this chapter. Any person, firm, corporation or other entity who uses or maintains or causes to be used or maintained any sign or any part thereof for any purpose other than the uses permitted therefor by this chapter, or who erects, enlarges, moves, alters or maintains, or causes to be erected, enlarged, moved, altered or maintained, any sign or any part thereof, except in accordance with the provisions of this chapter or any regulation made under authority conferred thereby, or who uses or maintains, or causes to be used or maintained, any sign or any part thereof which has been erected, enlarged, moved or altered, other than in conformity with the provisions of this chapter, or who otherwise violates or causes to be violated any provision of this chapter, or who allows any violation of this chapter on premises owned or leased by him, or otherwise under his or her control, including his or her agent or contractor, shall be guilty of a violation.

B. Procedure. In the event that any sign is erected, constructed, reconstructed, altered, converted, relocated or maintained, or any sign or premises is used in violation of this chapter, or any regulation made pursuant thereto, or any authority conferred thereby, the Supervisor of Building and Construction, or their designee, shall serve written notice, either by personal service or by certified mail, return receipt requested, addressed to the premises of such violation, on the person or corporation permitting or committing the same. Unless action to correct the violation is taken within 10 days from the date of service of the notification, that person or entity shall be considered in violation of this chapter. If, after 30 days from the aforementioned date, the violations have not been corrected, the Supervisor of Building and Construction, or their designee, shall cause the removal of such sign and charge the owner of the sign and/or premises for the cost of removal.

C. Penalties. The City may bring a civil action to recover a penalty, which shall not exceed \$1500, or to imprisonment not to exceed 15 days, or both such fine and imprisonment, for any violation of any provision of this chapter; each day's failure to comply with such provision shall constitute a separate

violation. The City may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation.

§410-70. Nonconforming signs.

- A. All permanent signs existing at the time of adoption of this chapter may continue although not in conformity with the provisions herein.
- B. All temporary signs existing at the time of adoption of this chapter must be removed or brought into compliance the requirements of §410-67.2 above within 90 days of the adoption of this chapter.
- C. Removal of nonconforming on-premises signs. Any sign, except advertising signs, lawfully existing and erected prior to the effective date of this ordinance, but which becomes nonconforming by virtue of this chapter, shall be removed, including all support structures, when the business to which such sign is related ceases or is sold or transferred to a new owner. No nonconforming sign shall be structurally altered, enlarged, moved or replaced, except as to bring the sign into conformance with this chapter.



Legislative Branch

RL Number:

13-226

Date Submitted:

11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Tarik Abdelazim

Title/Department: Director - Planning, Housing and Community Development

Contact Information: tabdelazim@cityofbinghamton.com

RL Information

Proposed Title: An ordinance authorizing the Mayor to submit an application, accept funds,

and enter into an agreement under the New York State Homes and Community Renewal

2013-2014 Home Improvement Grant

Suggested Content: To be drafted by Corporation Counsel

Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☒ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>Matthew R. P.</u>
Comptroller:	<u>Chris B.</u>
Corporation Counsel:	<u>BR</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: NYS Housing and Community Renewal (Affordable Housing Division)

Total project cost: \$350,000

Total amount of grant: \$350,000

Local match (if any): None required

If local match is monetary, provide the budget line and title: _____

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): Upfront

If reimbursable, source of funds pending reimbursement: _____

Grant project manager: Steve Quinn

Anticipated date of project completion: December 2016

Special project completion requirements (if any): _____

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:



Legislative Branch

RL Number:

13-227

Date Submitted:

11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Mayor Matthew Ryan

Title/Department: Office of the Mayor

Contact Information: 772-7001

RL Information

Proposed Title: Naming a New Street - Mayor John J. Burns Way - Prospect Mountain Project

Suggested Content: Naming the new ramp that will be coming off of Rte 17 and connecting it to Prospect Street.

Additional Information

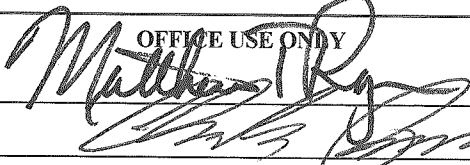

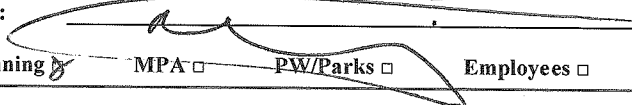
Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:

B-229

Date Submitted:

11/26/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Luke Day / Kyle Sechen

Title/Department: Commissioner of Public Works

Contact Information: 607-772-7176

RL Information

Proposed Title: City Hall budget transfer request

Suggested Content: Budget transfer request to cover shared services cost as charged by Broome County. The funds will be coming from the city hall electricity line, there is currently \$64,000.00 remaining the average monthly expenditure is approximately \$13,000.

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ Planning ☐ MPA ☐ PW/Parks ☒ Employees ☐ Rules/Special Studies ☐



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.

Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.

Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 11/26/2013

I respectfully request the below described transfer of funds due to the following reasons:

Short fall in budget line, due to the county increase in the 2013 charges for shared services.

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A1620.54202 electricity	A1620.54663 shared maintenance	\$21,500.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Luke day

Date: 11/26/2013

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature:

Date: 12/02/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds ☒ APPROVED ☐ / DENIED ☐ on _____. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____

Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: January 9, 2013

Sponsored by Council Members: Webb, Berg, Mihalko, Motsavage, Matzo, Rennia, Papastrat

Introduced by Committee: Planning and Community Development

entitled
AN ORDINANCE AUTHORIZING THE SALE
OF 45 ROBINSON STREET TO DANIEL
DEPRATO FOR \$100

WHEREAS, the City of Binghamton is the owner of certain real property located at 45 Robinson Street, New York, Tax Parcel No. 144.83-2-20 (the "Premises"); and

WHEREAS, the City received an Offer to Purchase a portion of the Premises for \$100 from Daniel DePrato (the "Applicant"); and

WHEREAS, the Assessor of the City of Binghamton has determined the sale prices to be fair and equitable; and

WHEREAS, the Council of the City of Binghamton has determined the sale to be in the best interest of the City.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Mayor of the City of Binghamton is hereby authorized to enter into a contract of sale and to execute all necessary and appropriate documentation, approved as to form and content by the Office of Corporation Counsel, to transfer 45 Robinson Street, Binghamton, New York, Tax Parcel No. 144.83-2-20 to Daniel DePrato for \$100; to be paid by cash, certified or local bank check.

Section 2. The transfer is subject to the following conditions: (i) that the Premises shall be merged with the Applicant's adjacent property, and (ii) there will be a deed restriction that the Premises may only be used for green space. These restrictions and requirements may be enforced by the City in an action for specific performance or to revoke the transfer.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 1/9/13. Approved by the
Mayor on 1/10/13.

A handwritten signature in dark ink, appearing to read "Douglas Palmer", is written over the Mayor's line.

Introductory No. 013-4

Permanent No. 013-4

Sponsored by City Council Members:
Webb, Berg, Mihalko, Motsavage, Matzo, Rennie,
Papastrat

AN ORDINANCE AUTHORIZING THE SALE OF
45 ROBINSON STREET TO DANIEL DEPRATO
FOR \$100

The within was adopted by the Council of the City of
Binghamton.

Date JANUARY 9, 2013

Douglas Holmes
City Clerk

Date Presented to Mayor JANUARY 10, 2013

Date Approved 1/10/13
Matthew Ry
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennie	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent



Legislative Branch

RL Number:

13-230

Date Submitted:

10/2/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Charlie Pearson

Title/Department: Finance

Contact Information: cpearson@cityofbinghamton.com

RL Information

Proposed Title: Provide for one year salary of deceased
fire-fighter

Suggested Content: Transfer funds from A9015.98000 PFRS
and \$39,000 from M1910.54000 Program for Incurred
Loss and increase line A3410.51000 Fire
Personal Services

Additional Information

Does this RL concern grant funding? Yes ☐ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>Matthew P. Ryan</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

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Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 12/02/13

I respectfully request the below described transfer of funds due to the following reasons:

One year salary to be paid to estate of John Janos
(Deceased Firefighter)

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
<u>A 9015. 58000</u>	<u>A 3410. 51000</u>	<u>25,000.00</u>
<u>M 1910. 54000</u>	<u>A 3410. 51000</u>	<u>39,000.00</u>

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: [Signature]

Date: 12/02/13

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: [Signature]

Date: 12/02/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds ☒ APPROVED ☐ / DENIED ☐ on _____. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____

Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____